FORM NLRB-508 (4-19)

## UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS

DO NOT WRITE IN THIS	SPACE
Case 12-CB-241636	Date Filed 5/16/2019

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR IT		ACAINST WHICH CHAP			· · · · · · · · · · · · · · · · · · ·
- N		AGAINST WITCH CHARC	b. Union Re	presentative	to contact
a. Name International Longshoremen's Association Local 1416	MG		(b) (6), (	b) (7)(C)	
c. Address (Street, city, state, and ZIP code)			d. Tel. No. (b) (6), (b) (	7)(C)	e. Cell No. (b) (6), (b) (7)(C)
816 NW 2nd Ave				χO	(5) (5), (5) (1)(5)
Miami, FL 33136			f. Fax. No. 305-374-7	646	ĺ
•.			g. e-mail		
h. The above-named labor organization has engaged in and is enga	ging in unfair	labor practices within the	meaning of	section 8(b)	and (list subsections)
(1)(A), (2)				-	nd these unfair labor
practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	the Act, or th	nese unfair labor practices	affecting co	mmerce withi	n the meaning of
2. Basis of the Charge (set forth a clear and concise statement of the	e facts const	ituting the alleged unfair la	bor practice	es)	
In or about March 2019, the Union breached its duty of fair objective criteria and the procedure set forth in the collective operations for Eller-ITO.	e-bargainin	g agreement in the sele	ection of a	header for c	ruise ship loading
In or about <sup>[0](6], (0)(7)(2</sup> 2019, the Union removed (b) (6), (b) (7)(C) ITO based on subjective, arbitrary, and discriminatory consi		osition as (b) (b), (b) (f)(c)	for cruise s	ship loading	operations for Eller-
3. Name of Employer		4a. Tel. No. 305-279-3706	b. Cell No. 305-219-3		c. Fax No. 305-371-9969
Eller-ITO		d. e-mail	217 0	.,,,,,	000 071 7707
		falvarez@ellerito.com	1		
5. Location of plant involved (street, city, state and ZIP code) 1007 North America Way			6. Employe	r representati	ve to contact
Suite 500			Fernando Alvarez, Vice President of Operations		
Miami, FL 33132			•		
7. Type of establishment (factory, mine, wholesaler, etc.) Port	8. Identify p Porter and	rincipal product or service stevedoring services		9. Number of 200	of workers employed
10, Full name of party filing charge (b) (6), (b) (7)(C)					
11. Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)		11a, Tel. No. (b) (6), (b) (7)(C)	b, Cell No. (b) (6), (b) (7	7)(C)	c. Fax No.
		(b) (6), (b) (7)(C)			
(b) (6), (b) (7)(C) 12. DECLARATION read the above charge the best of my knowled	and that the	statements f.		Γel. No.	
	(b) (6), (b)	(7)(C), an Individual	(E	Cell No. o) (6), (b) (7)(0	
(signature of representative or person making charge)	(Print/type na	me and title or office, if any)		Fax No.	
Address (b) (6), (b) (7)(C)		Date 5 /16 /	19	e-mail b) (6), (b)	(7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.





REGION 12 201 E. Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

May 17, 2019

#### (b) (6), (b) (7)(C)

International Longshoremen's Association Local 1416 816 NW 2nd Ave Miami, FL 33136-3999

Re: International Longshoremen's Association,

Local 1416 (Eller ITO) Case 12-CB-241636

### Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney MARINELLY MALDONADO whose telephone number is (786)812-7989. The mailing address is 51 SW 1st Ave Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

David Cohen

DAVID COHEN Regional Director

Enclosure: Copy of Charge





REGION 12 201 E. Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

May 17, 2019

Fernando Alvarez Eller ITO 1007 North America Way, Ste 500 Miami, FL 33132-2603

Re: International Longshoremen's Association,

Local 1416 (Eller ITO) Case 12-CB-241636

Dear Mr. Alvarez:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney MARINELLY MALDONADO whose telephone number is (786)812-7989. The mailing address is 51 SW 1st Ave Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

David Cohen

DAVID COHEN Regional Director

Enclosures

1. Copy of Charge

2. Commerce Questionnaire

Revised 3/21/2011	NATIONAL LABOR RELA	ATIONS BOARD			
QUESTIONNAIRE ON COMMERCE INFORMATION					
Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.					
CASE NAME			CASE NUMBER		
			12-CB-241636		
1. EXACT LEGAL TITLE OF ENTITY (	As filed with State and/or stated in lega	l documents forming entity)			
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] L	LP [ ] PARTNERSHIP [ ] SOL	E PROPRIETORSHIP [ ] OT	HER (Specify)		
3. IF A CORPORATION or LLC	D MANGE ADDRESS AND DELATIO	NATIONAL AND	ALL DELAMED ENMERCA		
A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATION	ONSHIP (e.g. parent, subsidiary) OF	ALL RELATED ENTITIES		
4. IF AN LLC OR ANY TYPE OF PART	NERSHIP, FULL NAME AND ADDR	ESS OF ALL MEMBERS OR PA	RTNERS		
5. IF A SOLE PROPRIETORSHIP, FUL	L NAME AND ADDRESS OF PROPR	IETOR			
6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERATIONS (Products h	andled or manufactured, or nature (	of services performed).		
7. A. PRINCIPAL LOCATION:	B. BRANCH LO	OCATIONS:			
8. NUMBER OF PEOPLE PRESENTLY	EMPLOYED				
A. Total:	B. At the address involved in this i	matter:			
9. DURING THE MOST RECENT (Chec	ck appropriate box): [ ] CALENDAR Y	R [] 12 MONTHS or [] FIS	SCAL YR (FY dates		)
				YES	NO
A. Did you <b>provide</b> services valued in (	excess of \$50,000 directly to custome	rs outside your State? If no, inc	licate actual value.		
B. If you answered no to 9A, did you p	rovide services valued in excess of \$	50.000 to customers in your Sta	te who purchased goods		
	ectly outside your State? If no, indic				
\$					
C. If you answered no to 9A and 9B, did	you provide services valued in exce broadcasting stations, commercial bu				
less than \$50,000, indicate amount.		maings, educational institutions	, or retail concerns? If		
D. Did you sell goods valued in excess		ted outside your State? If less th	nan \$50,000, indicate		
amount. \$					
E. If you answered no to 9D, did you se	ell goods valued in excess of \$50,000 ess of \$50,000 from directly outside y				
\$	ess of \$50,000 from directly outside y	your state: It less than \$50,000	o, marcate amount.		
F. Did you purchase and receive good	Is valued in excess of \$50,000 from d	irectly outside your State? If le	ess than \$50,000, indicate		
amount. \$	111:		1. 1:		
G. Did you purchase and receive good outside your State? If less than \$5		nterprises who received the goo	as directly from points		
H. Gross Revenues from all sales or p		rgest amount)			
[] \$100,000 [] \$250,000 [] \$5	[] \$100,000 [] \$250,000 [] \$500,000 [] \$1,000,000 or more If less than \$100,000, indicate amount.				
I. Did you begin operations within t	00,000 [ ] \$1,000,000 or more If les	s than \$100,000, indicate amou			
	the last 12 months? If yes, specify CLATION OR OTHER EMPLOYER	date:		?	
[ ] YES [ ] NO (If yes, name and	the last 12 months? If yes, specify CIATION OR OTHER EMPLOYER (address of association or group).	date:GROUP THAT ENGAGES IN CO	DLLECTIVE BARGAINING	?	
[ ] YES [ ] NO (If yes, name and all REPRESENTATIVE BEST QUALIFIED.)	the last 12 months? If yes, specify CIATION OR OTHER EMPLOYER (address of association or group).  ED TO GIVE FURTHER INFORMAT	date:  GROUP THAT ENGAGES IN CO  ION ABOUT YOUR OPERATIO	DLLECTIVE BARGAINING		
[ ] YES [ ] NO (If yes, name and	the last 12 months? If yes, specify CIATION OR OTHER EMPLOYER (address of association or group).	date:GROUP THAT ENGAGES IN CO	DLLECTIVE BARGAINING		
[ ] YES [ ] NO (If yes, name and a linear second se	the last 12 months? If yes, specify ociation or other employer (address of association or group).  ED TO GIVE FURTHER INFORMAT TITLE	date:	DLLECTIVE BARGAINING  ONS  TEL. NUM		
[ ] YES [ ] NO (If yes, name and and an and an and an	the last 12 months? If yes, specify CIATION OR OTHER EMPLOYER (address of association or group).  ED TO GIVE FURTHER INFORMAT TITLE  RIZED REPRESENTATIVE O	date: GROUP THAT ENGAGES IN CO ION ABOUT YOUR OPERATION E-MAIL ADDRESS COMPLETING THIS QUE	DLLECTIVE BARGAINING  DNS  TEL. NUM  STIONNAIRE	BER	
[ ] YES [ ] NO (If yes, name and a linear second se	the last 12 months? If yes, specify ociation or other employer (address of association or group).  ED TO GIVE FURTHER INFORMAT TITLE	date:	DLLECTIVE BARGAINING  DNS  TEL. NUM  STIONNAIRE		

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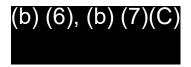




Download NLRB Mobile App

REGION 12 201 E. Kennedy Blvd, Ste 530 Tampa, FL 33602-5824

May 17, 2019



Re: International Longshoremen's Association,

Agency Website: www.nlrb.gov

Telephone: (813)228-2641

Fax: (813)228-2874

Local 1416 (Eller ITO) Case 12-CB-241636

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on May 16, 2019 has been docketed as case number 12-CB-241636. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney MARINELLY MALDONADO whose telephone number is (786)812-7989. The mailing address is 51 SW 1st Ave, Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

TENGA PRESENTE: Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (813)228-2641. El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procedimiento de sus casos.

<u>PLEASE NOTE</u>: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (813)228-2641. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.

Very truly yours,

David Cohen

DAVID COHEN Regional Director

# UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 12

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL 1416, AFL-CIO

CASE: 12-CB-241636

and

(b) (6), (b) (7)(C)	,

#### **NOTICE OF APPEARANCE**

COMES NOW, Neil Flaxman, Esq., and enters his appearance on behalf of

Respondent, INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL 1416, AFL-CIO.

Dated this 22<sup>nd</sup> day of May, 2019

Respectfully submitted,

**Neil Flaxman Professional Association** 

Attorney for Respondent
Brickell City Tower, Suite 3100
80 SW 8<sup>th</sup> Street
Miami, Florida 33130
Tel: 305-810-2786

Fax: 305-810-2824

E-mail: flaxy@bellsouth.net

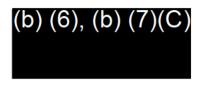
By: s/ Neil Flaxman

Neil Flaxman, Esq. Florida Bar No. 025299



REGION 12 201 E. Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874

July 15, 2019



Re: International Longshoremen's Association,

Local 1416 (Eller ITO) Case 12-CB-241636

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that International Longshoremen's Association, Local 1416 has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlrb.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at <a href="www.nlrb.gov">www.nlrb.gov</a>. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on July 29, 2019. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than July 28, 2019. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be

International Longshoremen's Association, -2 - July 15, 2019 Local 1416 (Eller ITO) Case 12-CB-241636

received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is received on or before July 29, 2019. The request may be filed electronically through the *E-File Documents* link on our website <a href="www.nlrb.gov">www.nlrb.gov</a>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after July 29, 2019, even if it is postmarked or given to the delivery service before the due date. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours, David Cohen Sher

DAVID COHEN Regional Director

#### Enclosure

(b) (6), (b) (7)(C)

cc:

International Longshoremen's Association Local 1416 816 NW 2nd Ave Miami, FL 33136-3999

Neil Flaxman, Esq.
Neil Flaxman, Professional Association
Brickell City Tower
80 SW 8th St, Ste 3100
Miami, FL 33130-3004

Fernando Alvarez Eller ITO 1007 North America Way, Ste 501 Miami, FL 33132-2603

## UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

#### **APPEAL FORM**

To: General Counsel Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE Washington, DC 20570-0001	Date:
Please be advised that an appeal is here National Labor Relations Board from the action issue a complaint on the charge in	<b>▼</b>
Case Name(s).	
Case No(s). (If more than one case number, included taken.)	lude all case numbers in which appeal is

(Signature)

UNITED STATES OF AMERICA			DO NOT W	RITE IN THIS SPACE
NATIONAL LABOR RELATIONS BOARD		~	Case	Date filed
CHARGE AGAINST LABOR ORGANIZATIO	N OR ITS	,	,	
AGENTS			12-CB-204434	8/15/2017
INSTRUCTIONS: File an original of this charge with the	e NLRB Regio	onal Dir	ector of the region in whic	h the alleged unfair labor practice
occurred or is occurring.	OB ITS ACENT	TC ACA	NST WHICH CHARGE IS BRO	OLICUT
a. Name	OK 115 AGEN	, AGAI	b. Union Representative to	
International Longshoremen's Association, L.	ocal 1416		(b) (6), (b) (7)(C)	Contact
mematerial congeneration of topoplation, in	0001 1410			·
c. Address			d. Tel. No.	e.e. Cell No.
816 NW 2nd Ave, Miami, FL 33136-3999			(b) (6), (b) (7)(C)	
			f. Fax No.	g. e-Mail
	<del> </del>		(305)374-7646	
h. The above-named labor organization or its agents have				•
8(b), subsection(s) (1)(A), (2) of the National Labor Re within the meaning of the Act, or are unfair practices at				
Basis of the Charge (set forth a clear and concise state			<del>_</del>	
			and the same and t	
Since about June 29, 2017, the above-named	-		-	
and refusing to refer (b) (6), (b) (7)(C) for employ				
uniformly required initiation fees and periodic d				- 1
considerations, and inconsistent with past practice	•	ng so,	the Union has caused	the employer to discriminate
against (b) (6), (b) (7)(C) in violation of Section 8	3(b)(2).			
3. Name of Employer			4a. Tel. No.	4b. Cell No.
POMTOC			(305) 416-7600	
		}	4c. Fax No.	4d. e-Mail
		- 1	-0. Tax 110.	- 4d. C-Wall
5. Location of Plant involved (street, city, state, and ZIP of	ode)		6. Employer representative	to contact
635 Asia Way, Miami, FL 33132	·		Carlos Arocha, Senio	
7. Type of Establishment (factory, mine, wholesaler)	8. Principal	product	or service	9. Number of Workers employed
Port	Contain	er har	ndling	100
10. Full name of party filing charge	Contain	-	11a. Tel. No.	11b. Cell No.
(b) (6), (b) (7)(C), an individual			114. 101. 110.	(b) (6), (b) (7)(C)
			11c. Fax No.	11d e-Mail
dd Addana a Farah Elian abaya (abaya aibi ababa ayal 7	(ID and a)			(b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and Z	ır coae)			
(b) (6), (b) (7)(C)				
	12. DECI	LARAT	ON	
I declare that I have read the above charge and	that the state	ments	therein are true to the best	of my knowledge and belief.
(h) (6) (h) (7) (6)	•			Tel No.
(b) (6), (b) (7)(C	/ <u>                                    </u>			
By:				
	(b) (6)	), (b) (7	')(C) , an individual	
(signature of representative or person making charge)	Print/ty	pe nam	e and title or office, if any	Cell No.
				(b) (6), (b) (7)(C)
Address:			Date; /	Fax No.
(b) (6), (b) (7)(C)				
			8/15/10	e-Mail
			019/17	(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully

set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB is voluntary; however, failure to supply the information will cause **REGISTO** Teams to invoke its processes.

2017 AUG 15 AM 11: 17

RECEIVED MIAMI, FLORIDA





REGION 12 201 E. Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

August 16, 2017

(b) (6), (b) (7)(C)

International Longshoremen's Association Local 1416 816 NW 2nd Ave Miami, FL 33136-3999

Re: International Longshoremen's Association,

Local 1416 (POMTOC) Case 12-CB-204434

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Cristina M. Cora whose telephone number is (786)482-7187. The mailing address is 51 SW 1st Ave, Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

David Cohen

DAVID COHEN Regional Director

Enclosure: Copy of Charge





REGION 12 201 E. Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

August 16, 2017

Carlos Arocha, Senior VP Port of Miami Terminal Operating Company (POMTOC) 635 Asia Way Miami, FL 33132-2007

Re: International Longshoremen's Association,

Local 1416 (POMTOC) Case 12-CB-204434

Dear Mr. Arocha:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Cristina M. Cora whose telephone number is (786)482-7187. The mailing address is 51 SW 1st Ave, Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently

submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. On all your correspondence regarding the charge, please include the case name and number indicated above.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures, offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DAVID COHEN Regional Director

#### Enclosures

- 1. Copy of Charge
- 2. Commerce Questionnaire

Revised 3/21/2011	NATIONAL LABOR RELA	ATIONS BOARD			
QUESTIONNAIRE ON COMMERCE INFORMATION					
Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.					
CASE NAME			CASE NUMBER		
1 PVACTICAL TITLE OF ENTITY	A 51 1 :41 64 4 1 4 4 1 1 1	11 (6 : (1)	12-CB-204434		
1. EXACT LEGAL TITLE OF ENTITY (	As filed with State and/or stated in lega	I documents forming entity)			
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] L	LP [ ] PARTNERSHIP [ ] SOL	E PROPRIETORSHIP [ ] OTH	ER (Specify )		
3. IF A CORPORATION or LLC A. STATE OF INCORPORATION	B. NAME, ADDRESS, AND RELATION	NCUID (a g present subsidiage) OF	ALL DELATED ENTITIES		
OR FORMATION	b. NAME, ADDRESS, AND RELATION	onship (e.g. parent, subsidiary) Or I	ALL RELATED ENTITIES		
A TEANILICOD ANNUTURE OF BART	NEDGIJID FULL MAME AND ADDD	EGG OF ALL MEMBERS OF BAR	THERE		_
4. IF AN LLC OR ANY TYPE OF PART	NERSHIP, FULL NAME AND ADDR	ESS OF ALL MEMBERS OR PAR	INEKS		
5. IF A SOLE PROPRIETORSHIP, FUL	L NAME AND ADDRESS OF PROPR	IETOR			
C DRIEFI V DESCRIBE THE NATION	OF VOUR OPERATIONS (P. 1. 4.)	11 1 6 1 1 1		_	_
6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERATIONS (Products in	andled or manufactured, or nature of	services performed).		
7. A. PRINCIPAL LOCATION:	B. BRANCH LO	OCATIONS:			
8. NUMBER OF PEOPLE PRESENTLY	EMPLOYED				
A. Total:	B. At the address involved in this				
9. DURING THE MOST RECENT (Chec	k appropriate box): [ ] CALENDAR Y	R [] 12 MONTHS or [] FISC	CAL YR (FY dates	T/EG	) NO
A. Did you provide services valued in o	excess of \$50,000 directly to custome	rs outside your State? If no. indic	cate actual value.	YES	NO
\$	•	•			
B. If you answered no to 9A, did you p					
valued in excess of \$50,000 from dir \$	ectly outside your State? If no, indic	ate the value of any such servi	ces you provided.		
C. If you answered no to 9A and 9B, did	you provide services valued in exce	ss of \$50,000 to public utilities, to	ransit systems,		
newspapers, health care institutions,	broadcasting stations, commercial bu				
less than \$50,000, indicate amount.  D. Did you sell goods valued in excess		tad autaida rraum Stata? If loss tha	n \$50 000 indicate		
amount. \$	or \$30,000 directly to customers loca	ted outside your state? If less that	n \$50,000, maicate		
E. If you answered no to 9D, did you se	U d1d :f \$50 000	41 4			
-					
\$	ess of \$50,000 from directly outside				
*	ess of \$50,000 from directly outside	your State? If less than \$50,000,	indicate amount.		
F. Did you purchase and receive good amount. \$	ls valued in excess of \$50,000 from d	your State? If less than \$50,000, irectly outside your State? If less	indicate amount. s than \$50,000, indicate		
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Download NLRB Mobile App

REGION 12 201 E. Kennedy Blvd, Ste 530 Tampa, FL 33602-5824

August 16, 2017



Re: International Longshoremen's Association, Local 1416 (POMTOC) Case 12-CB-204434

Agency Website: www.nlrb.gov

Telephone: (813)228-2641

Fax: (813)228-2874

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on August 15, 2017 has been docketed as case number 12-CB-204434. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Cristina M. Cora whose telephone number is (786)482-7187. The mailing address is 51 SW 1st Ave, Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or at the Regional office upon your request.

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<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

TENGA PRESENTE: Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (813)228-2641. El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procedimiento de sus casos.

<u>PLEASE NOTE</u>: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (813)228-2641. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.

Very truly yours,

David Cohen

DAVID COHEN Regional Director

## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 12

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL1416, AFL-CIO

CASE: 12-CB-204434

(b) (6), (b) (7)(C)

and

#### **NOTICE OF APPEARANCE**

COMES NOW, Neil Flaxman, Esq., and enters his appearance on behalf of

Respondent, INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL 1416, AFL-CIO.

Dated this 18th day of August, 2017

Respectfully submitted, Neil Flaxman Professional Association

Attorney for Respondent

Brickell City Tower, Suite 3100 80 SW 8<sup>th</sup> Street Miami, Florida 33130

Tel: 305-810-2786 Fax: 305-810-2824

E-mail: flaxy@bellsouth.net

By: s/Neil Flaxman

Neil Flaxman, Esq. Florida Bar No. 025299

### BLANCK & COOPER, P.A.

A Professional Association of Attorneys at Law

Robert W. Blanck Jonathan S. Cooper Suite 700 5730 SW 74th Street Miami, Florida 33143 Telephone: (305) 663-0177 Facsimile: (305) 663-0146 E-Mail: <a href="mailto:rblanck@shiplawusa.com">rblanck@shiplawusa.com</a> E-Mail: <a href="mailto:jcooper@shiplawusa.com">jcooper@shiplawusa.com</a>

August 23, 2017

Attention: Field Attorney Cristina M. Cora
UNITED STATES LABOR RELATIONS BOARD
51 S.W. 1st Avenue Suite #1320
Miami, Florida 33130-1623

RE:

Case 12-CB-204434(b) (6), (b) (7)(C)

Our File #7136

Dear Ms. Cora;

We represent Port of Miami Terminal Operating Company (POMTOC) and are in possession of your August 16, 2017 correspondence to their attention. In the future, please direct all further correspondence to the undersigned's attention. We recently left a telephone message for you and await hearing back from you to discuss this matter further.

Very truly yours, BLANOK & COOPER

Robert W. Bla<del>nc</del>k, Esq

RWB 7136/Ltr10CCoraUSLaborBoard

CASE NUMBER: 12-CB-204434
CASE NAME: ILA, Local 1416 (POMTOC)
Oral Withdrawal request received from: Charging Party, (b) (6), (b) (7)(C), an Individual
On: 10/13/2017
Approved: David Coler Libb Regional Director
Date:



REGION 12 201 E. Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb:gov Telephone: (813)228-2641 Fax: (813)228-2874

October 16, 2017

Neil Flaxman, Esq.
Neil Flaxman, Professional Association
Brickell City Tower
80 SW 8th St., Ste 3100
Miami, FL 33130-3004

Re:

International Longshoremen's Association,

Local 1416 (POMTOC) Case 12-CB-204434

Dear Mr. Flaxman:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

DAVID COHEN Regional Director

cc:

(b) (6), (b) (7)(C)

International Longshoremen's Association, Local 1416 816 NW 2nd Ave Miami, FL 33136-3999

Carlos Arocha, Senior VP Port of Miami Terminal Operating Company (POMTOC) 635 Asia Way Miami, FL 33132-2007

Robert Blanck, Esq. Blanck Cooper Hernandez, P.A. 5730 SW 74th St, Suite 700 Miami, FL 33143

(b) (6), (b) (7)(C)

INTERNET FORM NLRB-508 (2-08)

#### FORM EXEMPT UNDER 44 U.S.C 3512

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

#### **CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS**

DO NOT WRIT	E IN THIS SPACE
Case 12-CB-200988	Date Filed 6/20/2017

region in which the alleged u	ntair labor prac	tice occurre	ed or is occurring.		
AGENTS AGAINST WHICH					
Name Iternational Longshoremen's Association, Local 1416		b. Union Representative to contact			
	(b) (6), (l	o) (7)(C)			
	d. Tel. No.		e. Cell No.		
		(C)			
	f. Fax No.		g. e-Mail		
	305-374-7	646			
of the Natio	onal Labor Rela	ations Act, a	and these unfair labor practices		
e facts constituting the alleged	d unfair labor p	ractices)			
(6). (b) (7)(C), (b) (8). (b) (7)(C) and (b) (	<sup>6). (b) (7)(C)</sup> the a	above-nar	med labor organization		
d refusing to assign (b)	(6), (b) (7)(C	to work t	for Eller ITO. The Union		
			•		
(b) (7)(C) in violation of	Section 8(b	)(2) of the	e Act.		
44	4a. Tel. No.		b. Cell No.		
	305-379-3	700			
	c. Fax No.		d. e-Mail		
	305-371-9	969			
·		6. Employ	er representative to contact		
		Christop	her Aroch, VP		
1	or service		er of workers employed		
Container handling	1 <del></del>	<u> </u>			
	111a. Tel. No.		b. Cell No. (b) (6), (b) (7)(C)		
	c Fax No		d. e-Mail		
	J. 1 GA 140.		<u> </u>		
	1		(b) (6), (b) (7)(C)		
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the best of my knowledge and belie	ef.				
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dual	Cell y) Fax	<sup>N</sup> (b) (6 No.			
dual name and title or office, if an	Cell y) Fax	<sup>N</sup> (b) (6 No.			
	in and is (are) engaging in un of the Natict, or these unfair labor practice facts constituting the alleged description of the Natict of the Nation of the Natict of the N	b. Union Rep (b) (6), (b)  d. Tel. No. (b) (6), (b)  f. Fax No. 305-374-7  in and is (are) engaging in unfair labor practice are unfair labor practices are	(b) (6), (b) (7)(C)  d. Tel. No. (b) (6), (b) (7)(C)  f. Fax No. 305-374-7646  in and is (are) engaging in unfair labor practices within to of the National Labor Relations Act, act, or these unfair labor practices are unfair practices after a facts constituting the alleged unfair labor practices)  the above-nary (b) (6), (b) (7)(C) to work of the actions, and inconsistent with past practice.  (b) (7)(C) in violation of Section 8(b)(2) of the action and inconsistent with past practice.  (b) (7)(C) in violation of Section 8(b)(2) of the action and inconsistent with past practice.  (c) (a) (a) (b) (a) (b) (b) (c) (c) (c) (c) (c) (c) (c) (c) (c) (c		

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT





REGION 12 201 E. Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

June 21, 2017

(b) (6), (b) (7)(C)

International Longshoremen's Association Local 1416 816 NW 2nd Ave Miami, FL 33136-3999

Re: International Longshoremen's Association,

Local 1416

Case 12-CB-200988

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Cristina M. Cora whose telephone number is (305)536-5391. The mailing address is 51 SW 1st Ave, Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DAVID COHEN

Acting Regional Director

David Cohen

Enclosure: Copy of Charge





Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

June 21, 2017

Christopher Arocha, Senior VP Eller-ITO Stevedoring Company, LLC 1007 North American Way, Ste 501 Miami, FL 33132-2603

201 E. Kennedy Blvd, Ste 530

Tampa, FL 33602-5824

REGION 12

Re: International Longshoremen's Association,

Local 1416

Case 12-CB-200988

Dear Mr. Arocha:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Cristina M. Cora whose telephone number is (305)536-5391. The mailing address is 51 SW 1st Ave, Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently

Local 1416 Case 12-CB-200988

submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures, offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Acting Regional Director

#### Enclosures

- 1. Copy of Charge
- 2. Commerce Questionnaire

Revised 3/21/2011	NATIONAL LABOR RELA	TIONS BOARD			
QUESTIONNAIRE ON COMMERCE INFORMATION					
Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.					
CASE NAME			CASE NUMBER		
1 PVACTICAL TITLE OF ENTITY	A 51 1 14 54 4 11 1 1 1		12-CB-200988		
1. EXACT LEGAL TITLE OF ENTITY (	As filed with State and/or stated in legal	documents forming entity)			
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] L	LP [ ] PARTNERSHIP [ ] SOL	E PROPRIETORSHIP [ ] OTH	ER (Specify)		
3. IF A CORPORATION or LLC A. STATE OF INCORPORATION	B. NAME, ADDRESS, AND RELATIO	WCUID (o a parent subsidings) OF	ALL DELATED ENTITIES		
OR FORMATION	B. NAIVIE, ADDRESS, AND RELATIC	onstrip (e.g. parent, subsidiary) or	ALL RELATED ENTITIES		
A TEANILICOD ANNITYDE OF DADT	NEDGHID FILL NAME AND ADDRESS	COS OF ALL MEMBERS OF BAL	THERE		_
4. IF AN LLC OR ANY TYPE OF PART	NERSHIP, FULL NAME AND ADDRI	ESS OF ALL MEMBERS OR PAR	INEKS		
5. IF A SOLE PROPRIETORSHIP, FUL	L NAME AND ADDRESS OF PROPRI	IETOR			
	OF VOLUME OPEN A TRANSPORT	" 1			
6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERATIONS (Products he	andled or manufactured, or nature o	services performed).		
7. A. PRINCIPAL LOCATION:	B. BRANCH LO	CATIONS:			
8. NUMBER OF PEOPLE PRESENTLY	EMPLOYED				
A. Total:	B. At the address involved in this n				
9. DURING THE MOST RECENT (Chec	k appropriate box): [ ] CALENDAR YI	R [] 12 MONTHS or [] FISO	CAL YR (FY dates	*****	)
A. Did you <b>provide</b> services valued in o	excess of \$50,000 directly to custome	rs outside your State? If no indi	cate actual value	YES	NO
\$	•	•			
B. If you answered no to 9A, did you p					
	ectly outside your State? If no, indic	ate the value of any such serv	ices you provided.		
C If you answered no to 9A and 9B did	you provide services valued in exce	ss of \$50,000 to public utilities t	rancit systems		
C. If you answered no to 9A and 9B, did you <b>provide services</b> valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If					
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PRIVACY ACT STATEMENT

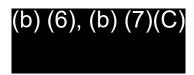
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.





REGION 12 201 E. Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

June 21, 2017



Re: International Longshoremen's Association,

Local 1416

Case 12-CB-200988

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on June 20, 2017 has been docketed as case number 12-CB-200988. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Cristina M. Cora whose telephone number is (305)536-5391. The mailing address is 51 SW 1st Ave, Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

Case 12-CB-200988

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website <a href="www.nlrb.gov">www.nlrb.gov</a> or from the Regional Office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

TENGA PRESENTE: Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (813)228-2641. El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procedimiento de sus casos.

<u>PLEASE NOTE</u>: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (813)228-2641. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.

Very truly yours,

Acting Regional Director

David When

# UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 12

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL1416, AFL-CIO

CASE: 12-CB-200988

and

(b) (6), (b) (7)(C)

#### **NOTICE OF APPEARANCE**

COMES NOW, Neil Flaxman, Esq., and enters his appearance on behalf of

Respondent, INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL 1416, AFL-CIO.

Dated this 23<sup>rd</sup> day of June, 2017

Respectfully submitted,

**Neil Flaxman Professional Association** 

Attorney for Respondent Brickell City Tower, Suite 3100 80 SW 8<sup>th</sup> Street Miami, Florida 33130

Tel: 305-810-2786 Fax: 305-810-2824

E-mail: flaxy@bellsouth.net

By: s/Neil Flaxman

Neil Flaxman, Esq. Florida Bar No. 025299

#### NATIONAL LABOR RELATIONS BOARD

#### NOTICE OF APPEARANCE

and International Longshoremen's Association, Local 1416	CASE 12-CB-200988
REGIONAL DIRECTOR  EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL  NATIONAL LABOR RELATIONS BOARD  Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT Eller-I.T.O. Stevedoring Company, L.L.C.	IVE OF
IN THE ABOVE-CAPTIONED MATTER.	A Company of the Comp
CHECK THE APPROPRIATE BOX(ES) BELOW:  REPRESENTATIVE IS AN ATTORNEY  IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY YOU DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMEN CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN
(REPRESENTATIVE INFOR	MATION)
Timothy J. Armstrong NAME:	
MAILING ADDRESS: 108 Cannon Ct. W.	
E-MAIL ADDRESS: tarmstrong@tjarmstronglaw.com	
OFFICE TELEPHONE NUMBER: 305-479-7915	
CELL PHONE NUMBER: 305-479-7915	FAX:
SIGNATURE: June J. Aurolina	<del> </del>
DATE: 1-1-2011	

 $<sup>^{1}</sup>$  IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

#### NATIONAL LABOR RELATIONS BOARD

#### NOTICE OF APPEARANCE

and Eller-ITO Stevendoring Company, LLC	CASE 12-CA-200986
REGIONAL DIRECTOR  EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATELLER-ITO Stevendoring Company, LLC	IVE OF
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW:  REPRESENTATIVE IS AN ATTORNEY  IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY TO DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMEN CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS WILL RECEIVE ONLY COPIES OF CERTAIN
(REPRESENTATIVE INFOR	MATION)
NAME: Susan Potter Norton	
MAILING ADDRESS: Allen Norton & Blue, P.A., 121 Majorca Ave.	enue, Suite 300, Coral Gables, Florida
E-MAIL ADDRESS: snorton@anblaw.com	
OFFICE TELEPHONE NUMBER: 305-445-7801	
CELL PHONE NUMBER	FAX: 305-442-1578
SIGNATURE: Please sign mint.) 9/23/17	
DATE: 0 /09/11	

 $<sup>^1</sup>$  IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



REGION 12 201 E Kennedy Blvd Ste 530 Tampa, FL 33602-5824 Agency Website www nlrb gov Telephone (813)228-2641 Fax (813)228-2874

October 2, 2017

Neil Flaxman, Esq. Neil Flaxman, Professional Association Brickell City Tower 80 SW 8th St, Ste 3100 Miami, FL 33130-3004

Re: International Longshoremen's Association,

Local 1416 (Eller-ITO) Case 12-CB-200988

Dear Mr Flaxman:

This is to advise you that I have approved the withdrawal of the charge in the above matter

Very truly yours, Pavid Cohen

DAVID COHEN Regional Director

cc: (b) (6), (b) (7)(0

International Longshoremen's Association, Local 1416 816 NW 2nd Ave Miami, FL 33136-3999

Christopher Arocha, Senior VP Eller-ITO Stevedoring Company, LLC 1007 North American Way, Ste 501 Miami, FL 33132-2603

Timothy Armstrong, ESQ. Law Office of Timothy J Armstrong 108 Cannon Ct W Ponte Vedra Beach, FL 32082-3953

(b) (6), (b) (7)(C)

FORM NLRB-508

### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST LABOR ORGANIZATION **OR ITS AGENTS**

FORM EXEMPT UNDER 44 U.S.C. 351			
DO NOT WRITE IN THIS SPACE			
Case	Date Filed		
12-CB-278664	6/9/2021		

INSTRU		

File an original and 4 copies of this charge and an additional copy for each organization, each local, and each individual named in item 1	with the NLRB
Regional Director of the region to which the alleged unfair labor practice occurred or is occurring	

			ich individual named in item 1 with the NLRB
Regional Director of the region in which the  1. LABOR ORGANIZATION OR ITS	AGENTS AGAIN	ST WHICH CHARGE IS BROUGHT	
a. Name	/ IOE / IO/ III	of this is of the control of the control	b. Union Representative to contact
			(b) (6), (b) (7)(C)
International Longshoreme			
c. Telephone/Fax No.	<ul><li>d. Address (str</li></ul>	eet, city, state and ZIP code)	
(b) (6), (b) (7)(C)	503 North 7	7th Street, Fort Pierce, Fl., 349	250
a the shows somed experientiants			
meaning of section 8(h) subsection	or its agents has	s <i>(nave)</i> engageo in and is <i>(are)</i> enga be National Labor Relations Act, and	ging in unfair labor practices within the these unfair labor practices are unfair
		the Act and within the meaning of the P	
		t of the facts constituting the alleged unfair la	
For DUPR 6 months the	above-nan	ned labor organization, by	and through its agents and
			assigning work in a manner
	,	of tall representation by	assigning work in a marmer
inconsistent with its hiring ho	ill rules.		
3. Name of Employer			4. Telephone No.
Ceres Marine Terminals, In			321/506-1616
<ol><li>Location of plant involved (street, city,</li></ol>		*	<ol><li>Employer representative to contact</li></ol>
5445 Murrell Road, Unit 102	?-122, Rockle	edge, Fl., 32955	Tim Touzet, VP
7. Type of establishment (factory, mine, v	vholesaler, etc.)	8. Identify principal product or service	Number of workers employed
Shipping and container te		Stevedore	100+
10. Full name of party filing charge			
(b) (6), (b) (7)(C)			
11. Address of party filing charge (street,	city state and 710	codal	12. Telephone No's. /E-mail
11. Address of party hing tharge (speet,	(icy, state and zir	codej	(b) (6) (b) (7)(C)
(b) (6), (b) (7)	(C)		(b) (6), (b) (7)(C)
(6) (6), (6) (1)	( )		
I declare that I have road the	above charge and	<ol> <li>DECLARATION</li> <li>that the statements therein are true to the be</li> </ol>	et of my knowledge and holies
(In ) (O) (In ) (In )	7) (O)	Title	
		FILE	•
By_ (15) (15)	/\\\\\	(L) (C) (L) (7)(C)	An Individual
Signature of representative or	pe making c	harge (b) (6), (b) (7)(C)	/ III III GIYIGOGI
Address		I Telephone No	Date / c) / C
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C	1 6/8/21
			* / U / U / I

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT - Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seg. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register. 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.





REGION 12 201 E Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

June 17, 2021

(b) (6), (b) (7)(C)

International Longshoremen's Association Local 1359-1860 503 N 7th St Fort Pierce, FL 34950-8229

Re: International Longshoremen's Association,

Local 1359-1860(Ceres Marine Terminals,

Inc.)

Case 12-CB-278664

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney CAROLINE LEONARD whose telephone number is (813)228-2662. If this Board agent is not available, you may contact Assistant to Regional Director AMY FERRELL whose telephone number is (813)228-2661.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence:</u> All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason

you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

David Cohen

DAVID COHEN Regional Director

Enclosure: Copy of Charge





REGION 12 201 E Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

June 17, 2021

Tim Touzet, Vice President Ceres Marine Terminals, Inc. 5445 Murrell Rd, Unit 102-122 Rockledge, FL 32955-6679

Re: International Longshoremen's Association,

Local 1359-1860(Ceres Marine Terminals,

Inc.)

Case 12-CB-278664

Dear Mr. Touzet:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney CAROLINE LEONARD whose telephone number is (813)228-2662. If this Board agent is not available, you may contact Assistant to Regional Director AMY FERRELL whose telephone number is (813)228-2661.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently

Case 12-CB-278664

submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

- 2 -

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

Case 12-CB-278664

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

David Cohen

DAVID COHEN Regional Director

Enclosures

FORM NLRB-5081 (3-11)	NATIONAL LABOR RE	LATIONS BOARD			
	TIONNAIRE ON COM	MERCE INFORMA	TION		
Please read carefully, answer all applicable items, and	return to the NLRB Office. If add	litional space is required.	please add a page	and identify item number.	
CASE NAME				ASE NUMBER	
			12	-CB-278664	
1. EXACT LEGAL TITLE OF ENTITY (As filed	with State and/or stated in le	gal documents forming	entity)		
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] LLP	[ ] PARTNERSHIP [ ] Se	OLE PROPRIETORSHIP	[] OTHER	(Specify)	
3. IF A CORPORATION or LLC					
A. STATE OF INCORPORATION	B. NAME, ADDRESS, A	ND RELATIONSHIP (e.	g. parent, subsidia	ry) OF ALL RELATED	ENTITIES
OR FORMATION					
4. IF AN LLC OR ANY TYPE OF PARTNERSI	HIP, FULL NAME AND ADI	RESS OF ALL MEMB	ERS OR PARTN	ERS	
5. IF A SOLE PROPRIETORSHIP, FULL NAM	E AND ADDRESS OF PRO	PRIETOR			
6. BRIEFLY DESCRIBE THE NATURE OF YO	OUR OPERATIONS (Product	handled or manufacture	ed, or nature of ser	vices performed).	
7A. PRINCIPAL LOCATION:	7B. BRA	NCH LOCATIONS:			
8. NUMBER OF PEOPLE PRESENTLY EMPLOYED					
A. TOTAL:	B. AT THE ADDRESS II				
A. TOTAL:  9. DURING THE MOST RECENT (Check the approximately seed to be approximately seed to s					)
9. DURING THE MOST RECENT (Check the ap	ppropriate box): [ ] CALEND	AR []12 MONTHS	or [ ] FISCAL	YES	) NO
	ppropriate box): [ ] CALEND	AR []12 MONTHS	or [ ] FISCAL	YES	NO NO
DURING THE MOST RECENT (Check the agents of \$50 \$	oppropriate box): [ ] CALEND D,000 directly to customers out	AR [] 12 MONTHS  ide your State? If no, inc to customers in your Sta	or [] FISCAL	YES	NO NO
DURING THE MOST RECENT (Check the agents)  A. Did you provide services valued in excess of \$5 \$  B. If you answered no to 9A, did you provide serving goods valued in excess of \$50,000 from directly.	oppropriate box): [ ] CALEND D,000 directly to customers out	AR [] 12 MONTHS  ide your State? If no, inc to customers in your Sta	or [] FISCAL	YES	NO NO
DURING THE MOST RECENT (Check the age of \$50.000 from directly provided. \$	oppropriate box): [ ] CALEND 0,000 directly to customers out ces valued in excess of \$50,000 outside your State? If no, indic	AR [] 12 MONTHS  ide your State? If no, inc  to customers in your Sta  ate the value of any such	or [] FISCAL dicate actual value te who purchased services you	YES	NO NO
DURING THE MOST RECENT (Check the agents)  A. Did you provide services valued in excess of \$5 \$  B. If you answered no to 9A, did you provide serving goods valued in excess of \$50,000 from directly.	oppropriate box): [ ] CALEND 0,000 directly to customers out ces valued in excess of \$50,000 outside your State? If no, indic	ide your State? If no, inc to customers in your Sta ate the value of any such	or [] FISCAL dicate actual value te who purchased services you to, transit systems,	YES	NO NO
DURING THE MOST RECENT (Check the age of \$50.      Did you provide services valued in excess of \$50.      B. If you answered no to 9A, did you provide serving goods valued in excess of \$50,000 from directly provided. \$	oppropriate box): [ ] CALEND 0,000 directly to customers out ces valued in excess of \$50,000 outside your State? If no, indicate le services valued in excess of g stations, commercial buildings	AR [] 12 MONTHS  ide your State? If no, inc  to customers in your Sta ate the value of any such  \$50,000 to public utilities , educational institutions	or [] FISCAL dicate actual value te who purchased services you to transit systems, or retail concerns	YES	NO NO
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### PRIVACY ACT STATEMENT

E-MAIL ADDRESS

DATE

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

SIGNATURE

NAME AND TITLE (Type or Print)

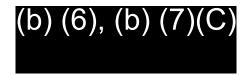
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.





REGION 12 201 E Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

June 17, 2021



Re: International Longshoremen's Association, Local 1359-1860(Ceres Marine Terminals, Inc.)

Case 12-CB-278664

# Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on June 09, 2021 has been docketed as case number 12-CB-278664. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney CAROLINE LEONARD whose telephone number is (813)228-2662. If this Board agent is not available, you may contact Assistant to Regional Director AMY FERRELL whose telephone number is (813)228-2661.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

- 2 -

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

<u>TENGA PRESENTE</u>: Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el

Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (813)228-2641. El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procedimiento de sus casos. (PLEASE NOTE: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (813)228-2641. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.)

Very truly yours,

David Cohen

DAVID COHEN Regional Director

#### NATIONAL LABOR RELATIONS BOARD

#### NOTICE OF APPEARANCE

International Longshoremen's Association, Local 1359-1860	
Union,	
and	CASE 12-CB-278664
	CASE
Ceres Marine Terminals, Inc.	
Employer	
1 /	
	•
REGIONAL DIRECTOR  EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATI International Longshoremen's Association, Local 1359-1	
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW:  REPRESENTATIVE IS AN ATTORNEY  IF REPRESENTATIVE IS AN ATTORNEY IN OPDER TO ENSURE TO	
IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN A BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY W DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENT CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS  ILL RECEIVE ONLY COPIES OF CERTAIN
(REPRESENTATIVE INFORM	TATION)
NAME: Howard S. Susskind, Esq., c/o Sugarman & Susskir	J D A
100 Missala Mila Caita 200 Caul Cal	
MAILING ADDRESS: 100 Miracle Mile, Suite 300, Coral Gab	lles, FL 33134
E-MAIL ADDRESS: hsusskind@sugarmansusskind.com	
305-520-2801	
OFFICE TELEPHONE NUMBER:	FAX:_ 305-447-8115
CELL PHONE NUMBER 305-206 2282	FAX:
man of the wall	
SIGNATURE:  (Picture Sign in ink.)  DATE: August 12, 2021	71
DATE, August 12, 2021	

<sup>&</sup>lt;sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD		Case				Date filed		
CHARGE AGAINST LABOR ORGANIZATIO OR ITS AGENTS	İ		CB-232672		1	DEC 12	-	
INSTRUCTIONS: File an original of this charge with to occurred or is occurring.	he NLRB Re	gional D	irector of the reg	ion in w	hich the al	leged unfair	labor p	ractice
1. LABOR ORGANIZATION	N OR ITS AGE	ENTS AG	AINST WHICH CH	ARGE IS	BROUGHT			
a. Name		T.	<ul> <li>b. Union Represe</li> </ul>					
Union de Empleados de Muelles, Loc	cal 1740,	ILA	(b) (6), (b) (	/)(C)				ļ
c. Address			d. Tel. No.	e.	Cell No.			
PO Box 13956		Ц	(b) (6), (b) (7)(C)	_				
San Juan, P.R. 00908			f. Fax No. 787-723-449		e-Mail O) (6), (	b) (7)(C	<b>C)</b>	
<ul> <li>h. The above-named labor organization or its agents have 8(b), subsection (1) (A) of the National Labor Relation meaning of the Act, or are unfair practices affecting co</li> </ul>	s Act, and the mmerce with	ese unfai	r labor practices a eaning of the Act	are unfair and the P	practices a Postal Reor	ffecting comr ganization Ac	nerce w	
2. Basis of the Charge (set forth a clear and concise state								.
Since about September of 2017, the a		•						
officers and/or business agents, who r	receive m	onetar	y compensat	ion fro	m the U	nion for t	heir c	official
duties and responsibilities, to work at	different	classif	ications that	belong	to the ι	ınit mem	bers, 1	thus
unduly receiving dual salary from the	Union and	d the E	mployer, and	l also d	lisplacin	g the unit	mem	bers
from their classifications and affecting	g unit mer	mbers	job opportun	ities.				
3. Name of Employer			Tel. No.	<u> </u>	4b. Cell N	No.		
SSA San Juan, Inc.			787-706-1	550				
			4c. Fax No.		4d. e-Ma			
			787-706-1	550	Ricardo. A	Alvarado@SS	SAMari	ne.com
5. Location of Plant involved (street, city, state, and ZIP of	code)		6. Employer re	presentat	tive to conta	ıct		
PO 16758, San Juan, P.R. 00936-3507			Ricardo A	lvarado	, Genera	Manager		
7. Type of Establishment (factory, mine, wholesaler)	8 Principa	l product	or service	9 Num	her of Wor	kers employe	rd.	
Corporation	Stevedor	-	Of Service	1000	ibel of wor	Kora ciripioye		
10. Full name of party filing charge			11a. Tel. No		11h	Cell No.		
(b) (6), (b) (7)(C) 2, an Individ	ual		114. 161. 140	•		), (b) (7)(C)		
			11c. Fax No.		11d €	-Mail		
					(b) (	6), (b) (7	')(C)	
11. Address of party filing charge (street, city, state, and	ZIP code)							
(b) (6), (b) (7)(C)								ļ
(CACA) (CACA)	12. DE	ECLARA	TION					
I declare that I have read the above charge and	d that the st	atements	s therein are true	to the b	est of my i	nowledge-a	nd,beli	ef.
(b) (6), (b) (7)(C)					Tel No	o. 🔀	8	
(D)(D), (D)(T)(D)	(b	, , , ,	(b) (7)(C)	,	Cell N		) DEC	
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(Signature or representative (b) (6), (b) (7)(C)aking charge		rinvtype r ny)	name and title or o	тісе, іт	Fax N	lo. nones	~	
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DO NOT WRITE IN THIS SPACE

UNITED STATES OF AMERICA

## WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)





SUBREGION 24 525 F D ROOSEVELT AVE STE 1002 SAN JUAN, PR 00918-1002 Agency Website: www.nlrb.gov Telephone: (787)766-5347 Fax: (787)766-5478 Download NLRB Mobile App

December 13, 2018

Ricardo Alvarado, General Manager SSA San Juan, Inc. PO Box 16758 San Juan, PR 00908-6758

Re: Union de Empleados de Muelles, Local

1740, ILA (SSA SAN JUAN)

Case 12-CB-232672

Dear Mr. Alvarado:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner VERONICA MORALES-LLERAS whose telephone number is (787)294-1685. If this Board agent is not available, you may contact Supervisory Field Attorney ISIS M. RAMOS-MELENDEZ whose telephone number is (787)766-5585.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently

Union de Empleados de Muelles, Local 1740, ILA (SSA SAN JUAN) Case 12-CB-232672

submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance. *Nosotros podemos proveer asistencia a las personas quienes están limitados en su habilidad de hablar el ingles o quienes se encuentran incapacitados en alguna manera. Favor de informarnos si usted o alguno de sus testigos desean tal asistencia.* 

Very truly yours,

DAVID COHEN Regional Director

By:

VANESSA GARCIA Officer in Charge

#### Enclosures

- 1. Copy of Charge
- 2. Commerce Questionnaire

Revised 3/21/2011	NATIONAL LABOR RELA	TIONS BOARD								
QUESTIONNAIRE ON COMMERCE INFORMATION										
Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.										
CASE NAME			CASE NUI							
1 PVACTICAL TITLE OF PARTY	'A 61 1 12 64 4 17 4 4 11 1 1	1.1	12-CB-	232672						
1. EXACT LEGAL TITLE OF ENTITY (	As filed with State and/or stated in lega	I documents forming e	ntity)							
2. TYPE OF ENTITY										
[] CORPORATION [] LLC [] L	LP [ ] PARTNERSHIP [ ] SOL	E PROPRIETORSHIP	[ ] OTHER (Specify)							
3. IF A CORPORATION or LLC A. STATE OF INCORPORATION	B. NAME, ADDRESS, AND RELATION	ONCHID (o g pasent gui	haidings) OF ALL DELATE	DENTITIES						
OR FORMATION	B. NAIVIE, ADDRESS, AND RELATION	JNSHIP (e.g. parent, su	osidiary) OF ALL RELATE.	DENTITIES						
A TEANILICOD ANY TYPE OF BAR	ENERGIND FULL NAME AND ARRO	EGG OF ALL MEMBE	EDG OD DADENEDG			_				
4. IF AN LLC OR ANY TYPE OF PART	INERSHIP, FULL NAME AND ADDR	ESS OF ALL MEMBE	LKS OK PAKTNERS							
5. IF A SOLE PROPRIETORSHIP, FUL	L NAME AND ADDRESS OF PROPR	IETOR								
6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERATIONS (Products h	andled or manufactured	l, or nature of services perfor	rmed).						
7. A. PRINCIPAL LOCATION:	B. BRANCH LO	CATIONS:								
8. NUMBER OF PEOPLE PRESENTLY	EMPLOYED									
A. Total:	B. At the address involved in this i	natter:								
9. DURING THE MOST RECENT (Che	ck appropriate box): [ ] CALENDAR Y	R [] 12 MONTHS	or [] FISCAL YR (FY a	lates		)				
A. Did you <b>provide services</b> valued in	arrans of \$50,000 directly to austama	es autaida rraye Stata	If no indicate estual re	1,,,	YES	NO				
S  A. Did you provide services valued in	excess of \$50,000 directly to custome	is outside your state.	i ii iio, iiidicate actuai va	iuc.						
B. If you answered no to 9A, did you p	rovide services valued in excess of \$	50,000 to customers	in your State who purchas	sed goods						
	rectly outside your State? If no, indic	ate the value of any	such services you pro	vided.						
\$ C. If you answered no to 9A and 9B, did	l von provide comiese velved in error	as of \$50,000 to publ	ia utilitias transit sustam							
	broadcasting stations, commercial bu									
less than \$50,000, indicate amount.	\$									
D. Did you sell goods valued in excess	of \$50,000 directly to customers loca	ted outside your State	e? If less than \$50,000, in	dicate						
amount. \$  E. If you answered no to 9D, did you so	all goods valued in excess of \$50,000	directly to austomers	Located incide your State	who						
	ess of \$50,000 from directly outside y									
\$										
• •	F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate									
				o, marcate		amount. \$  C. Did and the second and the second sec				
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$										
outside your State? If less than \$5	0,000, indicate amount. \$		ed the goods directly from							
outside your State? If less than \$5 H. Gross Revenues from all sales or p	0,000, indicate amount. \$ performance of services (Check the la	rgest amount)								
outside your State? If less than \$5  H. Gross Revenues from all sales or p  [ ] \$100,000 [ ] \$250,000 [ ] \$5	0,000, indicate amount. \$ performance of services (Check the la 00,000 [] \$1,000,000 or more If les	ergest amount) s than \$100,000, indi								
outside your State? If less than \$5 H. Gross Revenues from all sales or p [ ] \$100,000 [ ] \$250,000 [ ] \$5 I. Did you begin operations within	0,000, indicate amount. \$ performance of services (Check the late 00,000 [] \$1,000,000 or more If less the last 12 months? If yes, specify	ergest amount) s than \$100,000, indi	cate amount.	n points						
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PRIVACY ACT STATEMENT

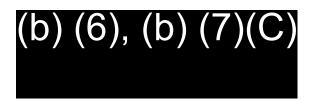
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.





SUBREGION 24 525 F D ROOSEVELT AVE STE 1002 SAN JUAN, PR 00918-1002 Agency Website: www.nlrb.gov Telephone: (787)766-5347 Fax: (787)766-5478 Download NLRB Mobile App

December 13, 2018



Re: Union de Empleados de Muelles, Local 1740, ILA (SSA SAN JUAN) Case 12-CB-232672

## Dear (b) (6), (b) (7)(C) :

The charge that you filed in this case on December 12, 2018 has been docketed as case number 12-CB-232672. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner VERONICA MORALES-LLERAS whose telephone number is (787)294-1685. If this Board agent is not available, you may contact Supervisory Field Attorney ISIS M. RAMOS-MELENDEZ whose telephone number is (787)766-5585.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

Union de Empleados de Muelles, Local 1740, ILA (SSA SAN JUAN) Case 12-CB-232672

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance. *Nosotros podemos proveer asistencia a las personas quienes están limitados en su habilidad de hablar el ingles o quienes se encuentran incapacitados en alguna manera. Favor de informarnos si usted o alguno de sus testigos desean tal asistencia.* 

TENGA PRESENTE: Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (813)228-2641. El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procedimiento de sus casos.

(<u>PLEASE NOTE</u>: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (813)228-2641. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.)

Very truly yours,

DAVID COHEN Regional Director

By:

VANESSA GARCIA Officer in Charge





SUBREGION 24 525 F D ROOSEVELT AVE STE 1002 SAN JUAN, PR 00918-1002 Agency Website: www.nlrb.gov Telephone: (787)766-5347 Fax: (787)766-5478 Download NLRB Mobile App

December 13, 2018

(b) (6), (b) (7)(C)

Union de Empleados de Muelles, Local 1740, ILA P O Box 13956 San Juan, PR 00908

Re: Union de Empleados de Muelles, Local

1740, ILA (SSA SAN JUAN)

Case 12-CB-232672

Dear Mr. Sanchez:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner VERONICA MORALES-LLERAS whose telephone number is (787)294-1685. If this Board agent is not available, you may contact Supervisory Field Attorney ISIS M. RAMOS-MELENDEZ whose telephone number is (787)766-5585.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Union de Empleados de Muelles, Local 1740, ILA (SSA SAN JUAN) Case 12-CB-232672

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance. *Nosotros podemos proveer asistencia a las personas quienes están limitados en su habilidad de hablar el ingles o quienes se encuentran incapacitados en alguna manera. Favor de informarnos si usted o alguno de sus testigos desean tal asistencia.* 

Very truly yours,

DAVID COHEN Regional Director

By:

VANESSA GARCIA

Enclosure: Copy of Charge

## **UNITED STATES OF AMERICA**

### BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNION DE EMPLEADOS DE MUELLES, LOCAL 1740, ILA (SSA SAN JUAN) Charged Party	
and	Case 12-CB-232672
(b) (6), (b) (7)(C)	
Charging Party	
AFFIDAVIT OF SERVICE OF CHARGE AGAINS	ST LABOR ORGANIZATION
I, the undersigned employee of the National Labor Rela December 13, 2018, I served the above-entitled docume following persons, addressed to them at the following a	ent(s) by post-paid regular mail upon the
(b) (6), (b) (7)(C) Union de Empleados de Muelles, Local 1740, ILA P O Box 13956 San Juan, PR 00908	
December 13, 2018	ORO, Designated Agent of NLRB
Date	Name
	/S/

Signature



SUBREGION 24 525 F D ROOSEVELT AVE STE 1002 SAN JUAN, PR 00918-1002 Agency Website: www.nlrb.gov Telephone: (787)766-5347 Fax: (787)766-5478

December 20, 2018

(b) (6), (b) (7)(C)

Union de Empleados de Muelles, Local 1740, ILA P O Box 13956 San Juan, PR 00908

Re:

Union de Empleados de Muelles, Local

1740, ILA (SSA SAN JUAN)

Case 12-CB-232672

Dear (b) (6), (b) (7)(C)

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

DAVID COHEN Regional Director

By:

ISIS RAMOS MELENDEZ, Acting

Officer in Charge

cc:

Ricardo Alvarado, General Manager SSA San Juan, Inc. PO Box 16758

San Juan, PR 00908-6758

(b) (6), (b) (7)(C)

FORM NLRB-501 (2-18)

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE			
Case	Date Filed		
12-CA-262155	06/25/2020		

#### **INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in	which the alleged unfair labor practice occurred or is occur	rring.
The state of the s	OYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer		b. Tel. No. 787-620-5305
Luis A. Ayala Colón & Sucrs., Inc. ("LAC")		c. Cell No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	f. Fax. No. 787-848-0070
a. Notices (errest, only, state, and 211 seasy)	o. Employer representative	g. e-mail
Edificio Fairland, 1211 Muelle C, San Juan, PR 00969	Hernán Ayala, Operations Vice President	hfayalrub@ayacol.com
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Corporation	j. Identify principal product or service Stevedoring Services	
The above-named employer has engaged in and is engaged	ging in unfair labor practices within the meaning of section	on 8(a), subsections (1) and
(list subsections) subsection (5)	of the National Labor	Relations Act, and thest unfair labor
practices are practices affecting commerce within the meaning the Act and the Postal Reorganization Act.	aning of the Act, or these unfair labor practices affecting	commerce within the meaning of
Since or about February 28, 2020, and thereafter, to subjects of bargaining, such as manning. Failed to according to signed rules of bargaining (two weeks bad-faith or surface bargaining by refusing to negot the table, and undue delaying the presentation of a information the union requests that is relevant to the Specifically over an alleged reduction of work in the support of t	meet with the union at reasonable times and reas s), including requesting and employing mediation of tiate and/or meet, refusing to provide information proposed (by the Employer) alternative to our management to be argaining process or to the employees' terms	conable intervals, by refusing to meet in as a dilatory tactic. Engaged in in to substantiate their allegations at multiple proposals. Refused to furnish
3. Full name of party filing charge (if labor organization, gILA, Local 1740	ive full name, including local name and number)	
4a. Address (Street and number, city, state, and ZIP code		4b. Tel. No. 787-725-3271
611 Calle José Ramón Figueroa, San Juan PR 090	7	4c. Cell No. 787-366-9885
		4d. Fax No.
		4e. e-mail utm@ila1740.org
5. Full name of national or international labor organization	n of which it is an affiliate or constituent unit (to be filled in	n when charge is filed by a labor organization)
International Longshoremen's Association		
I declare that I have read the abo	ARATION ve charge and that the statements ny knowledge and belief.	Tel. No. 787-545-4455
myd.	William Marrero-Quiñones, Esq.	Office, if any, Cell No. 787-234-0420
(signature of representative or person making charge)	(Print/type name and title or office, if any)	Fax No.
Address 419 Jose De Diego St., Ste. 311, San Juan	n, PR 00923  Date June 28, 2020	e-mail wmq@wmarrerolaw.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.





SUBREGION 24 525 F D ROOSEVELT AVE STE 1002 SAN JUAN, PR 00918-1002 Agency Website: www.nlrb.gov Telephone: (787)766-5347 Fax: (787)766-5478 Download NLRB Mobile App

June 25, 2020

Hernan Ayala, Operations Vice President Luis A. Ayala Colon & Sucrs., Inc. (LAC) Edificio Fairland, 1211 Muelle C San Juan, PR 00969

Re: Luis A. Ayala Colon & Sucrs., Inc

Case 12-CA-262155

#### Dear Ayala:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner PIERINA MORALES whose telephone number is (787)766-5486. If this Board agent is not available, you may contact Officer in Charge VANESSA GARCIA whose telephone number is (787)766-5475.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

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We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

DAVID COHEN Regional Director

By:

VANESSA GARCIA Officer in Charge

#### Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

Revised 3/21/2011	NATIONAL LABOR RELA	ATIONS BOARD					
QUESTIONNAIRE ON COMMERCE INFORMATION							
Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.							
CASE NAME CASE NUMBER 12-CA-262155							
1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)							
2. TYPE OF ENTITY							
[ ] CORPORATION [ ] LLC [ ] LLP [ ] PARTNERSHIP [ ] SOLE PROPRIETORSHIP [ ] OTHER (Specify )							
3. IF A CORPORATION or LLC							
A. STATE OF INCORPORATION OR FORMATION  B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES							
4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS							
5. IF A SOLE PROPRIETORSHIP, FUL	L NAME AND ADDRESS OF PROPR	IETOR					
6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERATIONS (Products h	andled or manufactured, or nature o	f services performed).				
7. A. PRINCIPAL LOCATION:	B. BRANCH LO	OCATIONS:					
8. NUMBER OF PEOPLE PRESENTLY							
A. Total:	B. At the address involved in this		CALLED CONT.		,		
9. DURING THE MOST RECENT (Che	ck appropriate box): [ ] CALENDAR Y	R [] 12 MONTHS or [] FISO	CAL YR (FY dates	YES	NO		
A. Did you <b>provide</b> services valued in	excess of \$50,000 directly to custome	ers outside your State? If no, ind	icate actual value.	123	110		
B. If you answered no to 9A, did you <b>provide services</b> valued in excess of \$50,000 to customers in your State who purchased goods							
valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.							
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems,							
newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$							
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$							
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who							
purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.							
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$							
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$							
H. Gross Revenues from all sales or performance of services (Check the largest amount)							
[] \$100,000 [] \$250,000 [] \$500,000 [] \$1,000,000 or more If less than \$100,000, indicate amount.  I. Did you begin operations within the last 12 months? If yes, specify date:							
10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?							
[ ] YES [ ] NO (If yes, name and address of association or group).							
11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS							
NAME	TITLE	E-MAIL ADDRESS	TEL. NU	MBER			
12 AUTHORIZED DERDEGENELTHE GOLDLETTIG THE GALERIAN IN							
NAME AND TITLE (Type or Print)	RIZED REPRESENTATIVE O SIGNATURE	E-MAIL ADDRESS		DATE			
TARALL ALLD TITLE (Type or Frint)	JOHNIOLE	L-MAIL ADDICESS		MIE			

#### PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.





Agency Website: www.nlrb.gov 525 F D ROOSEVELT AVE STE 1002 Telephone: (787)766-5347 SAN JUAN, PR 00918-1002 Fax: (787)766-5478

Download **NLRB** Mobile App

June 25, 2020

International Longshoremen's Association, Local 1740 611 Calle Jose Ramon Figueroa San Juan, PR 00907

SUBREGION 24

Re: Luis A. Ayala Colon & Sucrs., Inc

Case 12-CA-262155

Dear Sir or Madam:

The charge that you filed in this case on June 25, 2020 has been docketed as case number 12-CA-262155. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner PIERINA MORALES whose telephone number is (787)766-5486. If this Board agent is not available, you may contact Officer in Charge VANESSA GARCIA whose telephone number is (787)766-5475.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance. *Nosotros podemos proveer asistencia a las personas quienes están limitados en su habilidad de hablar el* 

ingles o quienes se encuentran incapacitados en alguna manera. Favor de informarnos si usted o alguno de sus testigos desean tal asistencia.

Very truly yours,

DAVID COHEN Regional Director

By:

VANESSA GARCIA Officer in Charge

cc: William Marrero-Quinones, Esq. 419 Jose De Diego Street, Suite 311 San Juan, PR 00923

SUBREGION 24 525 F D ROOSEVELT AVE STE 1002 SAN JUAN, PR 00918-1002

Agency Website: www.nlrb.gov Telephone: (787)766-5347

Fax: (787)766-5478

July 17, 2020

Hernan Ayala, Operations Vice President Luis A. Ayala Colon & Sucrs., Inc. (LAC) Edificio Fairland, 1211 Muelle C San Juan, PR 00969

> Re: Luis A. Ayala Colon & Sucrs., Inc

> > Case 12-CA-262155

Dear Mr. Ayala:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

David Cohen Regional Director

By: /s/ Vanessa García

Vanessa Garcia Officer in Charge

William Marrero-Quinones, Esq. cc: 419 Jose De Diego Street, Suite 311 San Juan, PR 00923

International Longshoremen's Association, Local 1740 611 Calle Jose Ramon Figueroa San Juan, PR 00907

Form NLRB - 501 (2-08)

## UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

#### **CHARGE AGAINST EMPLOYER**

INSTRUCTIONS:

 DO NOT WRITE IN THIS SPACE

 Case
 Date Filed

 12-CA-273125
 2/22/2021

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer	b. Tel. No.			
Luis A Avals Colés & Sueres Inc. ("I	(787) 620-5305 c. Cell No.			
Luis A. Ayala Colón & Sucres., Inc. ("L	C. Cell No.			
d. Address (street, city, state ZIP code)	e. Employer Representative	f. Fax No.		
, , , , , ,		(787) 848-0070		
Edificio Fairland, 1211 Muelle C	Hernan F. Ayala, Vice president,	g. e-Mail		
San Juan, PR 00919		hfayalarub@ayacol.com		
•		h. Dispute Location (City and State)		
		San Juan, PR		
i. Type of Establishment (factory, nursing home,	j. Principal Product or Service	k. Number of workers at dispute location		
hotel)				
Corporation	Stevedoring Services	1000+		
	d is engaging in unfair labor practices within the m			
the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.				
Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)				
2. Substitute of the office of the office of the factor of				
Since on or about August 24, 2020, and	d continuously thereafter, the above-nam	ned Employer, through its agents, officers		
Since on or about August 24, 2020, and continuously thereafter, the above-named Employer, through its agents, officers and representatives has refused to bargain in good faith by making unilateral changes in the operation of the CGM ship in				
violation of accords with the Union and a		anges in the operation of the opin ship in		
violation of accords with the officin and a	ibsent of all agreement.			
	ation, give full name, including local name and numb	ber)		
International Longshoremen's Association, Local 1740				
4a. Address (street and number, city, state, and ZI	4b. Tel. No.			
	(787) 725-3271			
Calle Figueroa Núm. 611	4c. Cell No.			
San Juan, PR 00907		(787) 366-9885		
		4d. Fax No.		
		4e. e-Mail		
550 66 1 1 6 11		csanchez@ila1740.org		
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor				
organization)				
International Longshoremen's Association				
6. DECLARATION	Tel. No.			
I declare that i nave read the above charge at my knowledge and belief.	(787) 545-4455			
William Marrero Quiñones,		Office, if any, Cell No.		
Pur (0~ 7.1)	Attorney	(787) 234-0420		
By: (signature of representative or person making ch		Fax No.		
(signature of representative or person making the	nargo, i iliit Name alla Tille	I UA IVO.		
Address: 440 De Diege St. Cuite 244 Cen Juan DD				
Address: 419 De Diego St., Suite 311 San Juan 00923	, PR Date: February 22, 2021	e-Mail wmq@wmarrerolaw.com		
00020		willy@willattetolaw.com		

## WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

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Download NLRB Mobile App

SUBREGION 24 525 F D ROOSEVELT AVE, STE 1002 SAN JUAN, PR 00918-1002

February 23, 2021

Hernan Ayala, Vice President Luis A. Ayala Colon & Sucrs., Inc. (LAC) Edificio Fairland, 1211 Muelle C San Juan, PR 00969

Re: Luis A. Ayala Colon & Sucres., Inc.

Agency Website: www.nlrb.gov

Telephone: (787)766-5347

Fax: (787)766-5478

Case 12-CA-273125

Dear Mr. Ayala:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Manijee Ashrafi-Negroni whose telephone number is (787)523-8708. If this Board agent is not available, you may contact Supervisory Field Attorney ISIS M. RAMOS-MELENDEZ whose telephone number is (787)523-8906.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

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Very truly yours,

DAVID COHEN Regional Director

By:

VANESSA GARCIA
Officer in Charge

### Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081 (3-11)	NATIONAL LABOR RELA	ATIONS BOARD			
	ONNAIRE ON COMME	RCE INFORMATION			
Please read carefully, answer all applicable items, and re			age and id	lentify item number.	
CASE NAME				NUMBER	
			12-CA-	273125	
1. EXACT LEGAL TITLE OF ENTITY (As filed w	rith State and/or stated in legal	documents forming entity)			
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] LLP [	] PARTNERSHIP [ ] SOLI	E PROPRIETORSHIP [ ] OTH	ER (Spec	cify)	
3. IF A CORPORATION or LLC					
A. STATE OF INCORPORATION	B. NAME, ADDRESS, AND	RELATIONSHIP (e.g. parent, subst	idiary) O	F ALL RELATED EN	NTITIES
OR FORMATION					
4. IF AN LLC OR ANY TYPE OF PARTNERSHI	P, FULL NAME AND ADDRI	ESS OF ALL MEMBERS OR PAR	TNERS		
THE A COLUMN PROPERTY OF THE ANALYSIS	AND ADDRESS OF BRODE	TETOR	_		
5. IF A SOLE PROPRIETORSHIP, FULL NAME	AND ADDRESS OF PROPRI	ETOK			
	D OPERATIONS (P. 1 )			, D	
6. BRIEFLY DESCRIBE THE NATURE OF YOU	R OPERATIONS (Products he	andled or manufactured, or nature of	services	performed).	
7A. PRINCIPAL LOCATION:	7B. BRANC	H LOCATIONS:			
	TED.		_		
8. NUMBER OF PEOPLE PRESENTLY EMPLO	YED				
A MOMAT	D AMERICA DEDECA DITA	OLLIED DIETICALA EMED			
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A. TOTAL:  9. DURING THE MOST RECENT (Check the app			AL YEA		)   NO
9. DURING THE MOST RECENT (Check the app	ropriate box): [ ] CALENDAR	R []12 MONTHS or []FISC		AR (FYDATES YES	) NO
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DURING THE MOST RECENT (Check the app      A. Did you provide services valued in excess of \$50,0     \$	ropriate box): [ ] CALENDAE  Output  Control  Co	e your State? If no, indicate actual va	lue.		) NO
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A. Did you provide services valued in excess of \$50,0 \$	propriate box): [ ] CALENDAE  Outline of the control of the contro	e your State? If no, indicate actual value of any such services you 0,000 to public utilities, transit system ducational institutions, or retail conce	lue.		) NO
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### NAME AND TITLE (Type or Print) SIGNATURE

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

DATE E-MAIL ADDRESS PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.





SUBREGION 24 525 F D ROOSEVELT AVE, STE 1002 SAN JUAN, PR 00918-1002 Agency Website: www.nlrb.gov Telephone: (787)766-5347 Fax: (787)766-5478 Download NLRB Mobile App

February 23, 2021

Carlos Sánchez-Ortiz, President International Longshoremen's Association Local 1740 Calle Figueroa Num. 611 San Juan, PR 00907

Re: Luis A. Ayala Colon & Sucres., Inc.

Case 12-CA-273125

Dear Mr. Sánchez-Ortiz:

The charge that you filed in this case on February 22, 2021 has been docketed as case number 12-CA-273125. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Manijee Ashrafi-Negroni whose telephone number is (787)523-8708. If this Board agent is not available, you may contact Supervisory Field Attorney ISIS M. RAMOS-MELENDEZ whose telephone number is (787)523-8906.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance. *Nosotros* 

podemos proveer asistencia a las personas quienes están limitados en su habilidad de hablar el ingles o quienes se encuentran incapacitados en alguna manera. Favor de informarnos si usted o alguno de sus testigos desean tal asistencia.

TENGA PRESENTE: Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (813)228-2641. El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procedimiento de sus casos. (PLEASE NOTE: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (813)228-2641. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.)

Very truly yours,

DAVID COHEN Regional Director

By:

VANESSA GARCIA Officer in Charge

cc: William Marrero Quiñones, Esq. 419 De Diego St, Ste. 311 San Juan, PR 00923 SUBREGION 24 525 F D ROOSEVELT AVE STE 1002 SAN JUAN, PR 00918-1002 Agency Website: www.nlrb.gov Telephone: (833)215-9196 Fax: (787)766-5478

June 3, 2021

William Marrero Quiñones, Esq. 419 De Diego St, Ste. 311 San Juan, PR 00923

Luis A. Ayala Colon & Sucres., Inc. Case 12-CA-273125

Dear Mr. Marrero Quiñones:

We have carefully investigated and considered your charge that Luis A. Ayala Colon & Sucrs., Inc. (LAC) has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at <a href="https://www.nlrb.gov">www.nlrb.gov</a>. See <a href="https://www.nlrb.gov">User Guide</a>. A video demonstration which provides <a href="https://www.nlrb.gov">step-by-step instructions</a> and frequently asked questions are also available at <a href="https://www.nlrb.gov">www.nlrb.gov</a>. If you require additional assistance with E-Filing, please contact <a href="https://www.nlrb.gov">e-Filing@nlrb.gov</a>.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on June 17, 2021. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than June 16, 2021. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before June 17, 2021.** The request may be filed electronically through the *E-File Documents* link on our website <a href="www.nlrb.gov">www.nlrb.gov</a>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after June 17, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

TENGA PRESENTE: Esta carta explica que el NLRB está desestimando las alegaciones en el cargo que usted presentó y donde determinó no seguir adelante con la conducta alegada en el cargo. Usted puede apelar esta decisión, pero debe hacerlo dentro de un periodo de tiempo específico. Si el Inglés no es su primer idioma y quisiera que esta carta se le explicara en su primer idioma, usted puede contactar a la Oficina Regional por carta o llamar al (813)228-2641. La Junta Nacional de Relaciones del Trabajo (NLRB) se asegurará, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procesamiento de sus cargos y las decisiones que se hagan en ellos. (PLEASE NOTE: This letter explains that the NLRB is dismissing the allegations in the charge you filed and does not plan to proceed further on the conduct alleged in the charge. You may appeal that decision, but you must do so within a specific time period. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter, or call (813)228-2641. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their charges and the decisions made in them.)

Very truly yours,

David Cohen Regional Director

By: s/ Isis Ramos Meléndez

Isis Ramos Meléndez Acting Officer in Charge

Enclosure

cc: Hernan Ayala, Vice President Luis A. Ayala Colon & Sucrs., Inc. (LAC) Edificio Fairland, 1211 Muelle C San Juan, PR 00969

> Carlos Sánchez-Ortiz, President International Longshoremen's Association, Local 1740 Calle Figueroa #611 San Juan, PR 00907

## UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

### APPEAL FORM

Date:

To: General Counsel

Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE Washington, DC 20570-0001	
Please be advised that an appeal is here National Labor Relations Board from the action issue a complaint on the charge in	•
Case Name(s).	
Case No(s). (If more than one case number, inclutaken.)	ude all case numbers in which appeal is
	(Signature)

### **E-FILING TO APPEALS**

- 1. **Extension of Time**: This document is used when the Charging Party is asking for more time to efile an Appeal.
  - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
  - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
- 2. **File an Appeal**: If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
  - Only one (1) Appeal can be e-filed to each determination in the Region's decision letter that is received.
  - After an Appeal has been e-filed, any additional materials to add to the Appeal should be e-filed under Correspondence.
- 3. **Notice of Appearance**: Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
  - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
  - This document can be e-filed **before** an Appeal is e-filed.
- 4. **Correspondence**: Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
  - Correspondence is used to e-file documents after an Extension of Time, Appeal or Notice of Appearance has been e-filed.
- 5. **Position Statement**: The Charging Party or Charged Party may e-file a Position Statement.
  - The Charging Party will e-file this document as a supplement of the Appeal.
  - The Charged Party will specifically file one to support the Region's decision.
  - This document should be e-filed after an Extension of Time, Appeal or Notice of Appearance has been e-filed.
- 6. **Withdrawal Request**: If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
  - This document should be e-Filed after an Extension of Time, Appeal or Notice of Appearance has been e-filed.



7. The selections of **Evidence** or **Other** should no longer be used.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

## CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS

FORM E	XEMPT UNDER 44 U.S.C. 3512
DO NOT WRITE	IN THIS SPACE
Case	Date Filed
12-CB-151759	5/7/2015

### INSTRUCTIONS:

File an original and 4 copies of this charge and an additional copy for each organization, each local, and each individual named in item 1 with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.

	or the region in		Ben aman lands brace	00 00001100	31 19 Occarring.
1. LABOR ORGANIZATION OR ITS AGENT	S AGAINST WHICH	CHARGE IS B	ROUGHT		
a. Name				b. l	Jnion Representative to contact
International Longshoreme	n's Associa	tion, Loc	al 1416		(b) (6), (b) (7)(C)
c. Telephone/Fax No.	d. Address (stree	et, city, state	and ZIP code)	,	
(b) (6), (b) (7)(C)	816 NW 2nd	Avenue	e, Miami, Fl., 33	136	
e. The above-named organization(s) or section 8(b), subsection(s) (1)(A) of th within the meaning of the Act and with	ts agents has <i>(ha</i> ve e National Labor R	ve) engaged Relations Act,	in and is <i>(are)</i> engagin and these unfair labor	g in unfair l	
2. Basis of the Charge (set forth a clear and				unfair labor p	practices)
In around late March 2013 (b) (6) (c) (7)(c), restrained and Section 7 of the Act, by seniority.	coerced e	mployee	es in the exerc	<u>ise</u> of th	ne rights guaranteed in
3. Name of Employer				4.	Telephone No.
Southeast Florida Employe	rs Associatic	n		٦.	305/374-2374
5. Location of plant involved (street, city,					i. Employer representative to contact
P.O. Box 011693, Miami, Fl.,		•			nuck Maravolo
7. Type of establishment (factory, mine, w		8. Identify	principal product or se		Number of workers employed
Stevedore		Steved	ore	A	oprox. 1,000
10. Full name of party filing charge (b) (6), (b) (7)(C)		Ř			
<ul><li>11. Address of party filing charge (street,</li><li>(b) (6), (b) (7)(C)</li></ul>	city, state and ZIP o	code)		(b)	Telephone No's, /E-mail ) (6), (b) (7)(C)
(=) (=), (=) (=)	-	12. DECL	ARATION		
I declare that I have read the al	oove charge and th	nat the staten	nents therein are true	to the best o	f my knowledge and belief.
(b) (6), (b)  ure of representative or	(7)(C		), (b) (7)(C)	An Inc	dividual
Address			Telephone No.		Date / / /
Samo			Same as abo	ve	5/4/15
WILLFUL FALSE STATEMENTS ON TH	IIS CHARGE CAN B	E PUNISHED			CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT - Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The

NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.





REGION 12 201 E. Kennedy Blvd., Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

May 7, 2015

### (b) (6), (b) (7)(C)

International Longshoremen's Association, Local 1416 816 NW 2nd Avenue Miami, FL 33136-3908

Re: International Longshoremen's Association,

Local 1416 (Southeast Florida Employers

Association)

Case 12-CB-151759

### Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner RICARDO A. MORILLAS whose telephone number is (305)530-7031. The mailing address is 51 SW 1st Ave., Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (305)536-5391.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARGARET J. DIAZ Regional Director

Enclosure: Copy of Charge





REGION 12 201 E. Kennedy Blvd., Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

May 7, 2015

Chuck Maravolo, Employer Representative Southeast Florida Employers Association P.O. Box 011693 Miami, FL 33101

Re: International Longshoremen's Association,

Local 1416 (Southeast Florida Employers

Association)

Case 12-CB-151759

Dear Mr. Maravolo:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner RICARDO A. MORILLAS whose telephone number is (305)530-7031. The mailing address is 51 SW 1st Ave Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (305)536-5391.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently

submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. On all your correspondence regarding the charge, please include the case name and number indicated above.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures*, offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARGARET J. DIAZ Regional Director

### Enclosures

- 1. Copy of Charge
- 2. Commerce Questionnaire

Revised 3/21/2011	NATIONAL LAR	OR RELATIONS BOARD		
		DMMERCE INFORMATION		
Please read carefully, answer all applicable ite CASE NAME	ms, and return to the NLRB Office	e. If additional space is required, please ad	d a page and identify item number.  CASE NUMBER	
International Longshoremen's	Association Local 1	416 (Southeast Florida	12-CB-151759	
Employers Association)	rissociation, Locar 1	410 (Southeast 1 forta	12 65 131733	
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2. TYPE OF ENTITY				
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3. IF A CORPORATION or LLC				
A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND	RELATIONSHIP (e.g. parent, subsidiary)	) OF ALL RELATED ENTITIES	
OR FORMATION				
4. IF AN LLC OR ANY TYPE OF PART	NERSHIP, FULL NAME AN	D ADDRESS OF ALL MEMBERS OR	PARTNERS	
5. IF A SOLE PROPRIETORSHIP, FUL	L NAME AND ADDRESS O	F PROPRIETOR		
6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERATIONS	Products handled or manufactured, or nati	ure of services performed).	
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7. A. PRINCIPAL LOCATION:	B. BR.	ANCH LOCATIONS:		
8. NUMBER OF PEOPLE PRESENTLY	EMPLOYED			
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9. DURING THE MOST RECENT (Chec	k appropriate box): [ ] CALI	ENDAR YR [ ] 12 MONTHS or [ ]	FIGGAL VD /FV / /	1
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### PRIVACY ACT STATEMENT

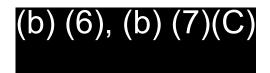
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.





REGION 12 201 E. Kennedy Blvd., Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

May 7, 2015



Re: International Longshoremen's Association, Local 1416 (Southeast Florida Employers Association)

Case 12-CB-151759

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on May 07, 2015 has been docketed as case number 12-CB-151759. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner RICARDO A. MORILLAS whose telephone number is (305)530-7031. The mailing address is 51 SW 1st Ave Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (305)536-5391.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

International Longshoremen's Association, Local 1416 (Southeast Florida Employers Association) Case 12-CB-151759

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

TENGA PRESENTE: Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (813)228-2641. El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procedimiento de sus casos.

<u>PLEASE NOTE</u>: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (813)228-2641. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.

Very truly yours

MARGARET J. DIAZ Regional Director



**REGION 12** 201 E. Kennedy Blvd., Ste 530 Tampa, FL 33602-5824

Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874

August 28, 2015

Neil Flaxman, Esq. Neil Flaxman, Professional Association Brickell Bayview Centre 80 SW 8th St., Ste 3100 Miami, FL 33130-3004

> Re: International Longshoremen's Association,

> > Local 1416 (Southeast Florida Employers

Association)

Case 12-CB-151759

Dear Mr. Flaxman:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Margaret of Graz

MARGARET J. DIAZ

Regional Diaz

Regional Director

(b) (6), (b) (7)(C)cc:

> International Longshoremen's Association Local 1416 816 NW 2nd Avenue Miami, FL 33136-3908

Chuck Maravolo, Employer Representative Southeast Florida Employers Association P.O. Box 011693 Miami, FL 33101

(b) (6), (b) (7)(C)

UNITED STATES OF AMERICA			DO NOT	WRITE IN	THIS SPACE
NATIONAL LABOR RELATIONS BOARD		Case		Date filed	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS	ı	12-CB-144433			1/14/2015
INSTRUCTIONS: File an original of this charge with the	e NLRB Reg	gional Dire	ctor of the region	in which t	he alleged unfair labor practice
occurred or is occurring.				- 10 5 5 5 1	
1. LABOR ORGANIZATION     a Name	OR ITS AGE		o. Union Represer		
ILA, Local 1416			b) (6), (b) (7)(C)	tative to C	ontact
c. Address			Tel. No.	e. Cell	No.
816 NW 2 <sup>nd</sup> Avenue, Miami, FL 33126			b) (6), (b) (7)(C)		
olo WW 2 Avenue, Wildini, 12 33120		f	. Fax No	g. e-Ma	ail
h. The above-named labor organization or its agents have 8(b), subsection(s) (1)(A) and 8(b)(2) of the National La commerce within the meaning of the Act, or are unfair p Reorganization Act.	abor Relation practices affe	ns Act, and t ecting comn	these unfair labor ponerion within the money	oractices ar eaning of th	re unfair practices affecting ne Act and the Postal
2. Basis of the Charge (set forth a clear and concise states	ment of the i	facts constit	uting the alleged u	ınfaır labor	practices)
On or about (b) (c) (7)(C) 2014, the Union disciplined (b) (6), year, for arbitrary, invidious, and discriminatory reasons.	(b) (7)(C)	by not al	lowing <sup>long</sup> to work	for the cru	ise ship industry for a period of one
Name of Employer		14	fa. Te⊟No	4b. Cell	No.
Florida Stevedoring			305-373-4765		
		1	tc. Fax No.	4d. e-M	ail
5. Location of Plant involved (street, city, state, and ZIP co	nde)		Employer repres	entative to	contact
125 Northeast 9 <sup>th</sup> Street, Miami, FL 33132	,	1	Jimmy (last name (		
	O Deinelle				·
7. Type of Establishment (factory, mine, wholesaler)	'	al product or	r service		Number of Workers employed
Stevedoring	Stevedo				unknown
10 Full name of party filing charge		1	11a. Tel. No		11b. Cell No.
(b) (6), (b) (7)(C)		1	11c Fax No		b) (6), (b) (7)(C) 11d e-Mail
11. Address of party filing charge (street, city, state, and ZI (b) (6), (b) (7)(C)	IP code)				
	12. DE	CLARATIO	N		
(h) (6) (h) (7)((	(6) (6) (7)	tements th	erein are true to	the best of	my knowledge and belief.
(b) (6), (b) (7)(C					Tel No.
					(b) (6), (b) (7)(C)
	(b)	(6), (b)	(7)(C)	•	
			and title or office,	if any	Cell No
Address:	Ani	ndividual	Date:	<del></del>	Fax No.
(b) (6), (b) (7)(C)			1/13/15		
				[•	e-Mail

## WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U S C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)





Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

January 15, 2015

(b) (6), (b) (7)(C)

REGION 12

International Longshoremen's Association, Local 1416 816 NW 2nd Avenue Miami, FL 33136-3908

201 E. Kennedy Blvd., Ste 530

Tampa, FL 33602-5824

Re: International Longshoremen's Association

Local 1416 (Florida Stevedoring)

Case 12-CB-144433

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner RICARDO A. MORILLAS whose telephone number is (305)530-7031. The mailing address is 51 SW 1st Ave., Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (305)536-5391.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARGARET J. DIAZ Regional Director

Margaret J. Was

Enclosure: Copy of Charge





REGION 12 201 E. Kennedy Blvd., Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

January 15, 2015

Florida Stevedoring, Inc. 125 NE 9th St. Miami, FL 33133

Re: International Longshoremen's Association

Local 1416 (Florida Stevedoring)

Case 12-CB-144433

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner RICARDO A. MORILLAS whose telephone number is (305)530-7031. The mailing address is 51 SW 1st Ave., Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (305)536-5391.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. On all your correspondence regarding the charge, please include the case name and number indicated above.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures*, offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARGARET J. DIAZ Regional Director

### Enclosures

- 1. Copy of Charge
- 2. Commerce Questionnaire

Revised 3/21/2011	NATIONAL LABOR RELA	ATIONS BOARD		
QU	ESTIONNAIRE ON COMMER			
Please read carefully, answer all applicable ite			as and identify item number	
CASE NAME	ms, and return to the NERD Office. If additi	onar space is required, piease add a pa	CASE NUMBER	
International Longshoremen's	Association Local 1416 (Flo	orida Stevedoring)	12-CB-144433	
1. EXACT LEGAL TITLE OF ENTITY (				
2. TYPE OF ENTITY				
[] CORPORATION [] LLC [] L	.LP [] PARTNERSHIP [] SOL	E PROPRIETORSHIP [ ] OTHI	ER (Specify )	
3. IF A CORPORATION or LLC	EF [] FAKTNEKSHIF [] 501	E PROPRIETORSHIP [] OTH	ER (Specify)	
A. STATE OF INCORPORATION	B. NAME, ADDRESS, AND RELATION	ONSHIP (e.g. parent, subsidiary) OF A	ALL RELATED ENTITIES	
OR FORMATION		, , , , , , , , , , , , , , , , , , , ,		
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5. IF A SOLE PROPRIETORSHIP, FUL	LL NAME AND ADDRESS OF PROPR	IETOR		
			-	
6. BRIEFLY DESCRIBE THE NATURE	C OF YOUR OPERATIONS (Products h	andled or manufactured, or nature of	services performed).	
7. A. PRINCIPAL LOCATION:	B. BRANCH LO	OCATIONS:		
8. NUMBER OF PEOPLE PRESENTLY	EMPLOYED			
A. Total:	B. At the address involved in this	matter:		
9. DURING THE MOST RECENT (Chec			CAL YR (FY dates	)
J. Delaive III Most Imelivi (enc.	an appropriate solly.	12 12 11 11 11 11 11 11 11 11 11 11 11 1		NO
A. Did you provide services valued in	excess of \$50,000 directly to custome	ers outside your State? If no, indic	eate actual value.	
B. If you answered no to 9A, did you p		50,000 to asset assess in account State	who muchood ands	
	rectly outside your State? If no, indic			
\$	rectly outside your state: 11 no, man	are the value of any such servi	ces you provided.	
C. If you answered no to 9A and 9B, did				
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less than \$50,000, indicate amount.  D. Did you sell goods valued in excess		tad autaida arang Statas Iflana tha	\$50,000 indicate	
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	ess of \$50,000 from directly outside	your State? If less than \$50,000,	indicate amount.	
<u>\$</u>			1 050 000 : 1: .	
F. Did you purchase and receive good amount. \$	is valued in excess of \$50,000 from o	irectly outside your State? If less	s than \$50,000, indicate	
G. Did you purchase and receive good	ds valued in excess of \$50,000 from e	nterprises who received the goods	directly from points	
outside your State? If less than \$5				
H. Gross Revenues from all sales or p				
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	the last 12 months? If yes, specify		<u> </u>	
10 ARE YOU A MEMBER OF AN ASSO		GROUP THAT ENGAGES IN COL	LECTIVE BARGAINING?	
[] YES [] NO (If yes, name and				
11. REPRESENTATIVE BEST QUALIFITY NAME	ED TO GIVE FURTHER INFORMAT TITLE	ION ABOUT YOUR OPERATION E-MAIL ADDRESS	TEL. NUMBER	
NAIVIE	IIILE	E-MAIL ADDRESS	TEL. NUMBER	
12 AUTHO	RIZED REPRESENTATIVE C	COMPLETING THIS QUEST	TIONNAIRE	
NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE	

PRIVACY ACT STATEMENT

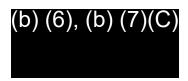
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REGION 12 201 E. Kennedy Blvd., Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

January 15, 2015



Re: International Longshoremen's Association

Local 1416 (Florida Stevedoring)

Case 12-CB-144433

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on January 14, 2015 has been docketed as case number 12-CB-144433. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner RICARDO A. MORILLAS whose telephone number is (305)530-7031. The mailing address is 51 SW 1st Ave., Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (305)536-5391.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

TENGA PRESENTE: Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (813)228-2641. El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procedimiento de sus casos.

<u>PLEASE NOTE</u>: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (813)228-2641. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.

Very truly yours,

MARGARET J. DIAZ Regional Director

### UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 12

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL 1416, AFL-CIO

and

(b) (6), (b) (7)(C)

### **NOTICE OF APPEARANCE**

COMES NOW, Neil Flaxman, Esq., and enters his appearance on behalf of

Respondent, INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL 1416, AFL-CIO.

Dated this 28<sup>th</sup> day of January, 2015

Respectfully submitted,

**Neil Flaxman Professional Association** 

CASE: 12-CB-144433

Attorney for Respondent
Brickell Bayview Centre, Suite 3100
80 SW 8<sup>th</sup> Street
Miami, Florida 33130

Tel: 305-810-2786 Fax: 305-810-2824

E-mail: flaxy@bellsouth.net

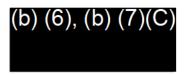
By: s/Neil Flaxman

Neil Flaxman, Esq. Florida Bar No. 025299



REGION 12 201 E. Kennedy Blvd., Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874

March 12, 2015



Re: International Longshoremen's Association

Local 1416 (Florida Stevedoring)

Case 12-CB-144433

### Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that International Longshoremen's Association, Local 1416 has violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at <a href="https://www.nirb.gov">www.nirb.gov</a>. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at <a href="https://www.nlrb.gov">www.nlrb.gov</a>, click on E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on March 26, 2015. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 25, 2015. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

International Longshoremen's Association Local 1416 (Florida Stevedoring) Case 12-CB-144433

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is received on or before March 26, 2015. The request may be filed electronically through the *E-File Documents* link on our website <a href="www.nlrb.gov">www.nlrb.gov</a>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 26, 2015, even if it is postmarked or given to the delivery service before the due date. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

Margaret J. Diaz

MARGARET J. DIAZ

Regional Director

Enclosure

cc: (b) (6), (b) (7)(C)

International Longshoremen's Association, Local 1416 816 NW 2nd Avenue Miami, FL 33136-3908

Neil Flaxman, Esq. Neil Flaxman Mediation Brickell Bayview Centre 80 SW 8th St., Ste 3100 Miami, FL 33130-3004

Florida Stevedoring, Inc. 125 NE 9th St. Miami, FL 33133 To: General Counsel

Attn: Office of Appeals

## UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

### APPEAL FORM

Date:

National Labor Relations Board Room 8820, 1099 - 14th Street, N.W. Washington, DC 20570-0001	
	reby taken to the General Counsel of the Nationa Regional Director in refusing to issue a complain
Case Name(s).	
Case No(s). (If more than one case number, in	oclude all case numbers in which appeal is taken.)
	(Signature)

FORM NLRB-508 (6-18)

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS

DO NOT WRITE IN THIS SPACE			
Case	Date Filed		
12-CB-268347	10/29/2020		

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR I	TS AGENTS A	GAINST WHICH CH	ARGE IS BROU	JGHT	
a. Name International Longshoremen's Association, Local 1922			b. Union R (b) (6), (b)	epresentative (7)(C)	e to contact
c. Address (Street, city, state, and ZIP code) 1007 North America Way Suite 407 Miami, FL 33132			d. Tel. No (b) (6), f. Fax. No	(b) (7)(C	e. Cell No.
			g. e-mail		
h. The above-named labor organization has engaged in and is eng (list subsections) $8(b)(1)(A)$ practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	2000	of the N	ational Labor R	elations Act,	and these unfair labor
2. Basis of the Charge (set forth a clear and concise statement of the For time periods including the past 6 months, the Union, are including rules concerning seniority and discipline, that are	n exclusive h	iring hall, has mai	ntained and e	nforced hiri	
3. Name of Employer South Florida Container Services		4a. Tel. No.	b. Cell No		c. Fax No.
5. Location of plant involved (street, city, state and ZIP code)			6. Employ	er representa	ative to contact
7. Type of establishment (factory, mine, wholesaler, etc.) Port	8. Identify p	rincipal product or se g services	rvice	9. Number	of workers employed
10. Full name of party filing charge b) (6), (b) (7)(C) an individual					
11. Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No (b) (6), (b)		c. Fax No.
		d. e-mail (b) (6), (b) (7)(C	1		
12. DECLARATION I declare that I have read the above charge (b) (6), (b) (7)(C) are true to the best of my knowled (signature of representative or person making charge)	e and that the edge and belie (b) (6)		any)	Cell No.	(b) (7)(C) , (b) (7)(C)
$_{Address}$ (b) (6), (b) (7)(6)	C)	Date 10 21 20		(b) (6	s), (b) (7)(0

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.





REGION 12 201 E Kennedy Blvd Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

October 30, 2020

(b) (6), (b) (7)(C)

International Longshoremen's Association Local 1922 1007 N America Way, Ste 407 Miami, FL 33132-2602

Re: International Longshoremen's Association,

Local 1922 (South Florida Container

Services)

Case 12-CB-268347

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney JOHN KING whose telephone number is (786)812-7993. The mailing address is 51 SW 1st Ave, Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Supervisory Attorney CHRISTOPHER ZERBY whose telephone number is (813)228-2693.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence:</u> All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason

you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

David Cohen

DAVID COHEN Regional Director

Enclosure: Copy of Charge





REGION 12 201 E Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

October 30, 2020

South Florida Container Terminal 2299 Port Blvd Miami, FL 33132-2091

Re: International Longshoremen's Association,

Local 1922 (South Florida Container

Services)

Case 12-CB-268347

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney JOHN KING whose telephone number is (786)812-7993. The mailing address is 51 SW 1st Ave, Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Supervisory Attorney CHRISTOPHER ZERBY whose telephone number is (813)228-2693.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

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case to discuss the circumstances that prevent you from using email.

receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

David Cohen

DAVID COHEN Regional Director

#### Enclosures

- 1. Copy of Charge
- 2. Commerce Questionnaire

	3/21/2011	NATIONAL LABOR REI	LATIONS	BOARD			
QUESTIONNAIRE ON COMMERCE INFORMATION							
Please re	ead carefully, answer all applicable it	ems, and return to the NLRB Office. If add	itional spa	ce is required, please add a page	and identify item number.		
CASE N	NAME				CASE NUMBER		
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2. TY	YPE OF ENTITY						
	RPORATION [ ] LLC [ ]	LLP [] PARTNERSHIP [] SC	LE PROP	RIETORSHIP [] OTHER	(Specify)		
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	ORMATION	B. NAME, ADDRESS, AND RELAT	IONSHIP	(e.g. parent, subsidiary) OF AL.	L RELATED ENTITIES		
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4							
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7. A. I	PRINCIPAL LOCATION:	B. BRANCH I	OCATIO	NS:			
8. NUN	MBER OF PEOPLE PRESENTL	Y EMPLOYED					
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9. DUF	RING THE MOST RECENT (Ch	eck appropriate box): [ ] CALENDAR	YR []]	12 MONTHS or [ ] FISCAI	L YR (FY dates		)
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	you provide services valued in	excess of \$50,000 directly to custon	iers outsi	de your state? If no, maicat	e actual value.		
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PRIVACY ACT STATEMENT

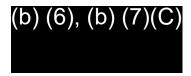
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.





REGION 12 201 E Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

October 30, 2020



Re: International Longshoremen's Association, Local 1922 (South Florida Container Services) Case 12-CB-268347

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on October 29, 2020 has been docketed as case number 12-CB-268347. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney JOHN KING whose telephone number is (786)812-7993. The mailing address is 51 SW 1st Ave, Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Supervisory Attorney CHRISTOPHER ZERBY whose telephone number is (813)228-2693.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

International Longshoremen's Association, - 2 - October 30, 2020 Local 1922 (South Florida Container Services) Case 12-CB-268347

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

TENGA PRESENTE: Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (813)228-2641. El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procedimiento de sus casos. (PLEASE NOTE: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (813)228-2641. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.)

Very truly yours,

David Cohen

DAVID COHEN Regional Director

## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 12

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL 1416, AFL-CIO

CASE: 12-CB-268347

and

(C)
-----

### **NOTICE OF APPEARANCE**

COMES NOW, Neil Flaxman, Esq., and enters his appearance on behalf of

Respondent, INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL 1922, AFL-CIO.

Dated this day 4<sup>th</sup> day of November, 2020

Respectfully submitted, Neil Flaxman Professional Association

Attorney for Respondent Brickell City Tower, Suite 3100 80 SW 8<sup>th</sup> Street Miami, Florida 33130

Tel: 305-810-2786 Fax: 305-810-2824

E-mail: flaxy@bellsouth.net

By: s/ Neil Flaxman

Neil Flaxman, Esq. Florida Bar No. 025299



REGION 12 201 E Kennedy Blvd Ste 530 Tampa, FL 33602-5824 Agency Website: <a href="https://www.nlrb.gov">www.nlrb.gov</a> Telephone: (813)228-2641 Fax: (813)228-2874

February 1, 2021

Neil Flaxman, Esq. Neil Flaxman, Professional Association Brickell City Tower 80 SW 8th St., Ste 3100 Miami, FL 33130-3004

Re: International Longshoremen's Association,

Local 1922 (South Florida Container

Services)

Case 12-CB-268347

Dear Mr. Flaxman:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ David Cohen

David Cohen Regional Director

cc: (b) (6), (b) (7)(C)

International Longshoremen's Association, Local 1922 1007 N America Way, Ste 407 Miami, FL 33132-2602

South Florida Container Terminal 2299 Port Blvd Miami, FL 33132-2091

(b) (6), (b) (7)(C)

INTERNET FORM NLRB-508 (2-08)

#### FORM EXEMPT UNDER 44 U.S.C 3512

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

#### **CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE					
Case	Date Filed				
12-CB-271248	January 11, 2021				

INSTRUCTIONS: File an original with NLRB Regional Director for the	region in which the alleged u	nfair labor	practice occu	rred or is occurring.
1. LABOR ORGANIZATION OR ITS	AGENTS AGAINST WHICH			
a. Name		b. Union I	Representativ	e to contact
International Longshoremen's Association, Local 1740		(b) (6)	, (b) (7)(C)	
		Title: (b)	(6), (b) (7)(C)	
		_		
c. Address (Street, city, state, and ZIP code)		d. Tel. No		e. Cell No.
611 Calle Jose Ramon Figueroa		(b) (6), (b)		(b) (6), (b) (7)(C)
PR San Juan 00907		f. Fax No		g. e-Mail
				(b) (6), (b) (7)(C)
h. The above-named organization(s) or its agents has (have) engaged				
subsection(s) (list subsections) (3) are unfair practices affecting commerce within the meaning of the A	of the Natio	onal Labor	Relations Act	, and these unfair labor practices
meaning of the Act and the Postal Reorganization Act.	ct, or these utilali labor practi	ces are un	all practices	anecung commerce within the
2. Basis of the Charge (set forth a clear and concise statement of the	e facts constituting the alleged	d unfair lab	or practices)	
See additional page				
2. Name of Employer		4a. Tel. N	Jo	b. Cell No.
Name of Employer     Luis Ayala Colon & Sucrs Inc.		(787) 792		(787) 439-1851
Luis Ayaia Coloit & Sucis IIIc.		c. Fax No		d. e-Mail
		(787) 792	-3575	hfayalajr@ayacol.com
		(***,***		
5. Location of plant involved (street, city, state and ZIP code)				oyer representative to contact Ayala-Rubio
1281 Rd. 28 Fairland Building Zona Portuaria PR San Juan 00920			<b>I</b>	ce President
		_		
7. Type of establishment (factory, mine, wholesaler, etc.)	Identify principal product	or service	9. Numl	per of workers employed
10. Full name of party filing charge		11a. Tel.		b. Cell No.
Hernan Ayala-Rubio		(787) 792		(787) 439-1851
Luis Ayala Colon & Sucrs., Inc.		c. Fax No		d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.)		(787) 792	-3575	hfayalajr@ayacol.com
1281 Rd. 28 Fairland Building Zona Portuaria				
PR San Juan 00920				
12. DECLARATION I declare that I have read the above charge and that the statements therein are true to	the hest of my knowledge and helie		Tel. No. (787)	985-9164
. 4	tonio Cuevas-Delgado		Cell No.	000 0101
Ву	name and title or office, if any	_		439-1851
(-ig.: o	Title: Lawyer	Fax No.		
446 Feedrial Avenue Community	ino. Lawyer	L		
416 Escorial Avenue Caparra Heights San Juan PR 00920	*****		e-Mail	(OO @ Okhlov (Pr. Oo Pr.
Address	(date)(	10 0.12	acue	/as@ckblawpr.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

### **Basis of the Charge**

#### 8(b)(3)

Within the previous six months, the above-named labor organization has failed and refused to bargain in good faith with the employer.





SUBREGION 24 525 F D ROOSEVELT AVE STE 1002 SAN JUAN, PR 00918-1002 Agency Website: www.nlrb.gov Telephone: (787)766-5347 Fax: (787)766-5478 Download NLRB Mobile App

January 12, 2021

### (b) (6), (b) (7)(C)

International Longshoremen's Association, Local 1740 611 Calle Jose Ramon Figueroa San Juan, PR 00907

Re: International Longshoremen's Association,

Local 1740

(Luis Ayala Colon & Sucrs., Inc.)

Case 12-CB-271248

### Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner CLIFF RAMOS whose telephone number is (787)523-8687. If this Board agent is not available, you may contact Officer in Charge VANESSA GARCIA whose telephone number is (787)523-8090.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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International Longshoremen's Association, - 3 - Local 1740 (Luis Ayala Colon & Sucrs., Inc.)
Case 12-CB-271248

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

David Cohen Regional Director

By:

Vanessa Garcia Officer in Charge

Enclosure: Copy of Charge

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD NOTICE OF APPEARANCE

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL 1740 CASE: **12-CB-271248** 

#### **REGIONAL DIRECTOR:**

The undersigned attorney hereby enters appearance as representative of ILA, LOCAL 1740, in the above-captioned matter.

/s/WILLIAM MARRERO QUIÑONES, ESQ. RÚA 18,763

419 De Diego St., Ste. 311 San Juan, PR 00923 Office: 787-545-4455 Mobile: 787-234-0420 wmg@wmarrerolaw.com

February 13, 2021





SUBREGION 24 525 F D ROOSEVELT AVE STE 1002 SAN JUAN, PR 00918-1002 Agency Website: www.nlrb.gov Telephone: (787)766-5347 Fax: (787)766-5478 Download NLRB Mobile App

January 12, 2021

Hernan Ayala-Rubio, Vice President Luis Ayala Colon & Sucrs., Inc. 1281 Rd. 28 Fairland Building Zona Portuaria San Juan, PR 00920

Re: International Longshoremen's Association,

Local 1740

(Luis Ayala Colon & Sucrs., Inc.)

Case 12-CB-271248

Dear Mr. Ayala-Rubio:

The charge that you filed in this case on January 12, 2021 has been docketed as case number 12-CB-271248. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner CLIFF RAMOS whose telephone number is (787)523-8687. If this Board agent is not available, you may contact Officer in Charge VANESSA GARCIA whose telephone number is (787)523-8090.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

Case 12-CB-271248

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

- 3 -

Very truly yours,

David Cohen Regional Director

By:

Vanessa Garcia Officer in Charge

cc: Antonio Cuevas-Delgado, Lawyer Cuevas Kuinlam, Marquez & O'neill 416 Escorial Avenue Caparra Heights San Juan, PR 00920

SUBREGION 24 525 F D ROOSEVELT AVE STE 1002 SAN JUAN, PR 00918-1002

Agency Website: www.nlrb.gov Telephone: (833)215-9196 Fax: (787)766-5478

May 10, 2021

William Marrero-Quiñones, Esq. 419 Calle de Diego Suite 311 Ur. Santa Barbara San Juan, PR 00923-3014

> Re: International Longshoremen's Association,

> > Local 1740 (Luis Ayala Colon & Sucrs., Inc.)

Case 12-CB-271248

Dear Mr. Marrero-Quiñones:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

David Cohen Regional Director

By: /s/ Vanessa García

Vanessa Garcia Officer in Charge

cc:

(b) (6), (b) (7)(C) International Longshoremen's Association, Local 1740 611 Calle Jose Ramon Figueroa San Juan, PR 00907

Hernan Ayala-Rubio, Vice President Luis Ayala Colon & Sucrs., Inc. 1281 Rd. 28 Fairland Building Zona Portuaria San Juan, PR 00920

Antonio Cuevas-Delgado, Esq. Cuevas Kuinlam, Marquez & O'neill 416 Escorial Avenue Caparra Heights San Juan, PR 00920

#### FORM NLRB-508

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS

FORM EXEMP	T UNDER 44 U.S.C. 3512
DO NOT WRITE I	N. THIS SPACE NO.
Case	Date Filed
12-CB-270017	12/9/2020

INSTRUCTIONS:

File an original and 4 copies of this charge and an additional copy for each organization, each local, and each individual named in item 1 with the NLRS Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS	AGENTS AGAIN	IST WHICH CH	ARGE IS BROUGHT		AMI	
a. Name				b. Ur	ion Representativ	e to contact
International Longshoreme	n's Associa	tion, Local	1359-1860		(b) (6), (b) (7	7)(C)
c. Telephone/Fax No.	d. Address (str			11	-	
(b) (6), (b) (7)(C)	503 North 7	7th Street, Fo	ort Pierce, Fl.,	34950		
<ul> <li>The above-named organization(s) meaning of section 8(b), subsection practices affecting commerce within</li> </ul>	or its agents has	s (have) engage he National Lak	ed in and is (are) er oor Relations Act, a	ngaging in and these	unfair labor pract	ices are unfair
2. Basis of the Charge (set forth a clear and						
For the past 6 months, the representation by granting hall rules.			-			•
R						
			*			
**						8
				2		d t
3. Name of Employer					Telephone No.	
Ceres Marine Terminals, In			att	-	/506-1616	
5. Location of plant involved (street, city,		•			Employer represen	tative to contact
5445 Murrell Road, Unit 102					Touzet, VP	
7. Type of establishment (factory, mine, v			cipal product or servi		ımber of workers e	mployed
Shipping and container te	minal	Stevedore	9	100	+	
10. Full name of party filing charge (b) (6), (b) (7)(C)	12		=:			
11. Address of party filing charge (street,	city, state and ZIP	code)		12. 1	elephone No's, /E	mail
5			_	(b)	(6), (b)	(7)(C)
(b) (6), (b) (7)(C)					77 ( 7	
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Address		To	lembone No.		Date	
(b) (6), (b) (7)(C)		(b	(c) (6), (b) (7)(C)	ell)	12-9	-20

HED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT - Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or ittigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.





Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

December 10, 2020

#### (b) (6), (b) (7)(C)

International Longshoremen's Association, Local 1359 - 1860 503 N 7th St Fort Pierce, FL 34951-8229

201 E Kennedy Blvd, Ste 530

Tampa, FL 33602-5824

**REGION 12** 

Re: International Longshoremen's Association,

Local 1359-1860 (Ceres Marine Terminals,

Inc.)

Case 12-CB-270017

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner RICARDO A. MORILLAS whose telephone number is (786)812-7988. The mailing address is 51 SW 1st Ave, Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

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<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

David Cohen

DAVID COHEN Regional Director

Enclosure: Copy of Charge





REGION 12 201 E Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

December 10, 2020

Tim Touzet, Vice President Ceres Marine Terminals, Inc. 5445 Murrell Rd, Unit 102-122 Rockledge, FL 32955-6679

Re: International Longshoremen's Association,

Local 1359-1860 (Ceres Marine Terminals,

Inc.)

Case 12-CB-270017

Dear Mr. Touzet:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner RICARDO A. MORILLAS whose telephone number is (786)812-7988. The mailing address is 51 SW 1st Ave, Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

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<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently

submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

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Case 12-CB-270017

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Very truly yours,

David Cohen

DAVID COHEN Regional Director

#### Enclosures

- 1. Copy of Charge
- 2. Commerce Questionnaire

	3/21/2011	NATIONAL LABOR REL	ATIONS	BOARD			
QUESTIONNAIRE ON COMMERCE INFORMATION							
Please re	ead carefully, answer all applicable it	ems, and return to the NLRB Office. If addi	tional spa	ce is required, please add a page	and identify item numl	ber.	
CASE N	NAME				CASE NUMBER	_	
1 1774	OT LEGAL TITLE OF ENTIRE	(4.5) 1 :4.6(4.4)		( 6 : (:)	12-CB-270017	<u>/</u>	
I. EXA	CT LEGAL TITLE OF ENTITY	(As filed with State and/or stated in leg	al docum	ents forming entity)			
2. TY	YPE OF ENTITY						
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	CORPORATION or LLC TE OF INCORPORATION	B. NAME, ADDRESS, AND RELAT	ONCLUD	(o a parant subsidiagy) OF AT	I DELATED ENTITI	TE C	
	ORMATION	B. NAME, ADDRESS, AND RELATI	ONSHIP	(e.g. parent, subsidiary) Or AL	L KELATED ENTITI	ES	
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6. BR	EFLY DESCRIBE THE NATUR	E OF YOUR OPERATIONS (Products	handled o	r manufactured, or nature of se	rvices performed).		
7. A. ]	PRINCIPAL LOCATION:	B. BRANCH L	OCATIO	NS:			
8. NU	MBER OF PEOPLE PRESENTL	Y EMPLOYED					
A.	Total:	B. At the address involved in this	matter:				
9. <b>DU</b> I	RING THE MOST RECENT (Ch	eck appropriate box): [ ] CALENDAR !	/R []]	2 MONTHS or [ ] FISCAL	L YR (FY dates		)
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PRIVACY ACT STATEMENT

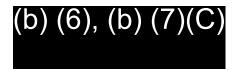
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.





REGION 12 201 E Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

December 10, 2020



Re: International Longshoremen's Association,

Local 1359-1860 (Ceres Marine Terminals,

Inc.)

Case 12-CB-270017

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on December 09, 2020 has been docketed as case number 12-CB-270017. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner RICARDO A. MORILLAS whose telephone number is (786)812-7988. The mailing address is 51 SW 1st Ave, Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

Case 12-CB-270017

investigation.

- 2 - December 10, 2020

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

Case 12-CB-270017

- 3 - December 10, 2020

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

TENGA PRESENTE: Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (813)228-2641. El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procedimiento de sus casos. (PLEASE NOTE: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (813)228-2641. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.)

Very truly yours,

David Cohen

DAVID COHEN Regional Director

REGION 12 201 E Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874

February 2, 2021

(b) (6), (b) (7)(C)

International Longshoremen's Association Local 1359 - 1860 503 N 7th St Fort Pierce, FL 34951-8229

Re: International Longshoremen's Association,

Local 1359-1860 (Ceres Marine Terminals, Inc.)

Case 12-CB-270017

Dear (b) (6), (b) (7)(C):

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ David Cohen

DAVID COHEN Regional Director

cc: Tim Touzet, Vice President Ceres Marine Terminals, Inc. 5445 Murrell Rd, Unit 102-122 Rockledge, FL 32955-6679

(b) (6), (b) (7)(C)

UNITED STATES OF AMERICA DO NOT WRITE IN THIS SPACE									
NATIONAL LABOR RELATIONS BOARD	NATIONAL LABOR RELATIONS BOARD   Case_					Date filed			
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS						February	28, <b>202</b> 0		
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice								practice	
occurred or is occurring.  1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT									
a. Name	OKIISA	SLIVISA	b. Unio	on Represe	entative 1	to Contact	•		
Union de Trabajadores de Muelles, ILA	. Local			), (b) (7)(					
1740 (Luis Ayala-Colón, Sucrs., Inc.)	,				. ,				
c. Address			d. Tel.	No.	е	. Cell No.			
PO Box 29146			(b) (6),	(b) (6), (b) (7)(C)					
San Juan PR 00929-0146			f. Fax	No.	g	. e-Mail			
3aii Juaii FN 00323-0140					u	ıtm@ila1	1740@org	and	
					(b)	(6), (b) (7)(C)	@ila1740.	org	
<ul> <li>h. The above-named labor organization or its agents hav 8(b), subsection (1) (A) of the National Labor Relations meaning of the Act, or are unfair practices affecting co</li> <li>2. Basis of the Charge (set forth a clear and concise state</li> </ul>	s Act, and to mmerce w	these unf ithin the r	air labor meaning	practices a of the Act a	are unfair	r practices Postal Reo	affecting cor organization	nmerce v	
Since about (b) (6), (b) (7)(C) 2019, and thereafter, the above labor organization has failed in its duty of fair representation by discriminatorily changing seniority ranking of (b)(6), (b) (7)(C) in the mechanic seniority list and in violation of the collective bargaining agreement; thereby affecting (employment opportunities.									
3. Name of Employer			Tel. No.			4b. Cell No	<u> </u>		
Luis Ayala-Colón, Sucrs., Inc.		'				4d. e-Mail			
		4	4c. Fax No. h		hfayalrub@ayacol.com				
			787-84	48-0070					
5. Location of Plant involved (street, city, state, and ZIP c	ode)	6	6. Employ	er represe	entative t	to contact			
PO BOX 7066, Ponce, P.R 00732-7066			Herna	an Ayala	а, Оре	erations	Vice Pres	sident	
7. Type of Establishment (factory, mine, wholesaler)	8. Princip	pal produc	ct or serv	ice	9. Nur	mber of Wo	orkers employ	/ed	
Corporation	Stevedo	oring S	Service	s	50				
10. Full name of party filing charge		1	1a. Tel.	No.		11b. Ce	ll No.		
(b) (6), (b) (7)(C)						(b) (6), (b) (7)(C)			
				11c. Fax No. 11d e-Mail (b) (6), (b) (7)(C)					
11. Address of party filing charge (street, city, state, and Z	(IP code)	•							
(b) (6), (b) (7)(C)									
		DECLAR					=		
I declare that I have read the above charge and	I that the s	statemen	nts there	in are true	to the t		knowledge	andbel	ief.
		o) (6), (b		()		Tel No.	<u> </u>	<u></u>	
$_{\rm BV}$ (b) (6), (b) (7)(C)		n Indiv				Same	AM, P	EB 2	REG
(signa representative or person charge			name a	nd title or o	office,	Fax No.	none 🛜	≕	OL!
_	i	if any)					none 00918-	AH 11: 52	IVEO RB N 24
Address:			1	Date:		e-Mail	77	sn.	<u> </u>
Same as 11						same	72(	2	

### WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942 43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

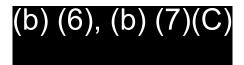
# OR RELATIONS BO

#### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

SUBREGION 24 525 F D ROOSEVELT AVE STE 1002 SAN JUAN, PR 00918-1002 Agency Website: www.nlrb.gov Telephone: (787)766-5347 Fax: (787)766-5478



February 28, 2020



Re: Union de Trabajadores de Muelles, ILA, Local

1740 (Luis Ayala-Colón, Sucrs., Inc.)

Case 12-CB-257130

#### Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on February 28, 2020 has been docketed as case number 12-CB-257130. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner Hiranice Carrasquillo-Diaz whose telephone number is (787)771-3667. If this Board agent is not available, you may contact Officer in Charge Vanessa Garcia whose telephone number is (787)766-5475.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary

to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Procedures:</u> Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

David Cohen Regional Director

Bv:

Vanessa Garcia Officer in Charge





SUBREGION 24 525 F D ROOSEVELT AVE STE 1002 SAN JUAN, PR 00918-1002 Agency Website: www.nlrb.gov Telephone: (787)766-5347 Fax: (787)766-5478 Download NLRB Mobile App

February 28, 2020

Hernan Ayala-Rubio, President Luis Ayala & Colon, Sucr. Inc. PO Box 7066 Ponce, PR 00732-7066

> Re: Union de Trabajadores de Muelles, ILA, Local 1740 (Luis Ayala-Colón, Sucrs., Inc.)

> > Case 12-CB-257130

Dear Mr. Ayala-Rubio:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by **Field Examiner Hiranice** Carrasquillo-Diaz whose telephone number is (787)771-3667. If this Board agent is not available, you may contact Officer in Charge Vanessa Garcia whose telephone number is (787)766-5475.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to

enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

David Cohen Regional Director

By:

Vanessa Garcia Officer in Charge

#### Enclosures

- 1. Copy of Charge
- 2. Commerce Questionnaire

	NATIONAL LABOR RELAT	TIONS BOARD			
QUESTIONNAIRE ON COMMERCE INFORMATION					
Please read carefully, answer all applicable ite	ms, and return to the NLRB Office. If addition	nal space is required, please add a page and id	lentify item number.		
CASE NAME			E NUMBER		
1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)					
1. EXACT LEGAL TITLE OF ENTITY (	As filed with State and/or stated in legal (	documents forming entity)			
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] L	LP [ ] PARTNERSHIP [ ] SOLE	PROPRIETORSHIP [ ] OTHER (Spec	rify)		
3. IF A CORPORATION or LLC A. STATE OF INCORPORATION	D NAME ADDRESS AND DELATION	NSHIP (e.g. parent, subsidiary) OF ALL REL	ATED ENTITIES		
OR FORMATION	B. NAME, ADDRESS, AND RELATION	North (e.g. parent, substituting) OF ALL KEL	ATED ENTITIES		
A TEANILICOD ANY TYPE OF DADT	NEDGHID FULL NAME AND ADDRESS	CO OF ALL MEMBERS OF PARTNERS		_	_
4. IF AN LLC OR ANY TYPE OF PART	NERSHIP, FULL NAME AND ADDRES	SS OF ALL MEMBERS OR PARTNERS			
5. IF A SOLE PROPRIETORSHIP, FUL	L NAME AND ADDRESS OF PROPRIE	ETOR			
	OF VOLUME OF THE OWN OF THE OWN				
6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERATIONS (Products har	ndled or manufactured, or nature of services	performed).		
7. A. PRINCIPAL LOCATION:	B. BRANCH LOC	CATIONS:			
8. NUMBER OF PEOPLE PRESENTLY	EMPLOYED				
A. Total:	B. At the address involved in this ma	atter:			
9. DURING THE MOST RECENT (Chec	ck appropriate box): [ ] CALENDAR YR	[ ] 12 MONTHS or [ ] FISCAL YR	(FY dates	TITO	)
A. Did you provide services valued in	excess of \$50,000 directly to customers	soutside your State? If no indicate actu	al value	YES	NO
\$	excess of \$50,000 anectry to customers	ouside your state. If no, indicate actu	all value.		
B. If you answered no to 9A, did you <b>provide services</b> valued in excess of \$50,000 to customers in your State who purchased goods					
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PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



SUBREGION 24 525 F D ROOSEVELT AVE STE 1002 SAN JUAN, PR 00918-1002 Agency Website: www.nlrb.gov Telephone: (787)766-5347 Fax: (787)766-5478



February 28, 2020

(b) (6), (b) (7)(C)

Union de Trabajadores de Muelles, ILA, Local 1740(Luis Ayala-Colón, Sucrs, Inc.) PO Box 29146 San Juan, PR 009290146

Re: Union de Trabajadores de Muelles, ILA, Local

1740 (Luis Ayala-Colón, Sucrs., Inc.)

Case 12-CB-257130

Dear Mr. Sanchez:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by **Field Examiner Hiranice Carrasquillo-Diaz** whose telephone number is (787)771-3667. If this Board agent is not available, you may contact Officer in Charge Vanessa Garcia whose telephone number is (787)766-5475.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures</u>: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

David Cohen Regional Director

By:

Vanessa Garcia Officer in Charge

Enclosure: Copy of Charge

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
NOTICE OF APPEARANCE

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL 1740, AFL-CIO (LUIS A. AYALA COLÓN & SUCRS.,

INC.)

CASE: 12-CB-257130

**REGIONAL DIRECTOR:** 

The undersigned attorney hereby enters appearance as representative

of ILA, LOCAL 1740, AFL-CIO ("UNION") in the above-captioned matter.

I must hereby notify that both the UNION and our office are working with

very limited resources, and severe time constraints. The tremendous

difficulties attributed to the CoViD-19 pandemic affecting the world and the

extreme lockdown measures taken by the local government, for the

protection of lives, affect our ability to gain access to documents and/or

people.

/s/WILLIAM MARRERO QUIÑONES, ESQ.

RÚA 18,763

419 De Diego St., Ste. 311

San Juan, PR 00923 Office: 787-545-4455

Mobile: 787-234-0420

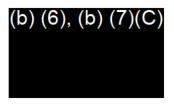
wmg@wmarrerolaw.com

April 17, 2020

SUBREGION 24 525 F D ROOSEVELT AVE STE 1002 SAN JUAN, PR 00918-1002 Agency Website: www.nlrb.gov Telephone: (787)766-5347

Fax: (787)766-5478

July 10, 2020



Re: Unión de Trabajadores de Muelles,

International Longshoremen's Association, AFL-CIO (Luis Ayala-Colón, Sucrs., Inc.)

Case 12-CB-257130

### Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that Unión de Trabajadores de Muelles, Local 1740, International Longshoremen's Association, AFL-CIO (Local 1740 or the Union) has violated the National Labor Relations Act.

**Decision to Dismiss:** Your charge alleges that since about September 2019, the Union has failed its duty of fair representation by discriminatorily changing your seniority ranking in the list of mechanics contrary to the collective-bargaining agreement, in violation of Section 8(b)(1)(A) of the Act.

The Union and Luis Ayala Colón & Sucrs., Inc. (the Employer) have had a long standing bargaining relationship since at least 1981. On July 13, 2015, several locals of the International Longshoremen's Association entered into a merger agreement whereby Locals 1575, 1901 and 1902 merged into Local 1740. The Union operates an exclusive hiring hall and refers members to work for the Employer pursuant to the terms of the merger agreement, which provides, among other things, that the parties shall recognize and enforce the existing seniority that covers and protects Maintenance and Repair (M&R) Mechanics, and employees in other job classifications.

In essence you contend that in (b) (6), (b) (7)(c) 2017 you moved up to number 4 on the mechanics seniority list after a senior mechanic was referred to work at another location. You contend that you did not become aware that (b) (6), (b) (7)(c) was placed ahead of you on the mechanics seniority list until (b) (6), (b) (7)(c) was referred to work ahead of you and you were unable to work as a result. The investigation revealed that contrary to your assertions, (b) (6), (b) (7)(c) has been working as a mechanic through the Union for over years, whereas you were not hired until more recently. Thus, the evidence shows that (b) (6), (b) (7)(c) is rightfully ahead of you on the mechanics seniority list. For the above reasons, there is insufficient evidence to show that the Union breached its duty to fairly represent you. Instead, it

appears that the Union has fair and objective reasons for placing (b) (6), (b) (7)(C) ahead of you on the mechanics seniority list. Accordingly, I am refusing to issue complaint in this matter.

**Charging Party's Right to Appeal:** The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at <a href="www.nlrb.gov">www.nlrb.gov</a>. See <a href="www.nlrb.gov">User Guide</a>. A video demonstration which provides <a href="step-by-step instructions">step-by-step instructions</a> and frequently asked questions are also available at <a href="www.nlrb.gov">www.nlrb.gov</a>. If you require additional assistance with E-Filing, please contact <a href="E-Filing">E-Filing</a> NLRB.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on July 24, 2020. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later** than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than July 23, 2020. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 24, 2020.** The request may be filed electronically through the *E-File Documents* link on our website <a href="www.nlrb.gov">www.nlrb.gov</a>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after July 24, 2020, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the

Unión de Trabajadores de Muelles, ILA, Local 1740 (Luis Ayala-Colón, Sucrs., Inc.) Case 12-CB-257130

event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

David Cohen Regional Director

By: /s/ Vanessa Garcia

Vanessa García Officer in Charge

#### Enclosure

cc: (b) (6), (b) (7)(C)

Unión de Trabajadores de Muelles, ILA, Local 1740(Luis Ayala-Colón, Sucr., Inc.) PO Box 29146 San Juan, PR 009290146

William Marrero-Quiñones, Esq. 419 Calle de Diego Suite 311 San Juan, PR 00923-3014

Hernan Ayala-Rubio, President Luis Ayala & Colón, Sucr. Inc. PO Box 7066 Ponce, PR 00732-7066

### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

#### **APPEAL FORM**

To: General Counsel Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE Washington, DC 20570-0001	Date:
Please be advised that an appeal is hational Labor Relations Board from the actissue a complaint on the charge in	nereby taken to the General Counsel of the tion of the Regional Director in refusing to
Case Name(s).	
Case No(s). (If more than one case number, taken.)	include all case numbers in which appeal is
	(Signature)

#### FORM EXEMPT UNDER 44 U.S.C. 3512

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

### CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS

FURIVI EXEIVIP	1 UNDER 44 U.S.C. 3512
DO NOT WRITE I	N THIS SPACE
Case	Date Filed
12-CB-183196	8/30/2016

INSTRUCTIONS:
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File an original and 4 copies of this charge and an additional copy for each organization, each local, and each individual named in item	1 with the NLRB
Regional Director of the region in which the alleged unfair labor practice occurred or is occurring	

IST WHICH CHA	RGE IS BROUGHT		
		b. Un	ion Representative to contact
nternational Longshoremen's Association, Local 1416  Telephone/Fax No. d. Address (street, city, state and ZIP code)			(b) (6), (b) (7)(C)
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WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT. Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.





REGION 12 201 E Kennedy Blvd Ste. 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

August 31, 2016



International Longshoremen's Association, Local 1416 816 NW 2nd Ave Miami, FL 33136-3999

Re: International Longshoremen's Association,

Local 1416 (Southeast Florida Employers

Association)

Case 12-CB-183196

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney JOHN KING whose telephone number is (786) 812-7993. The mailing address is 51 SW 1st Ave Ste. 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786) 812-7987.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Case 12-CB-183196

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARGARET J. DIAZ Regional Director

Enclosure: Copy of Charge





REGION 12 201 E Kennedy Blvd Ste. 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

August 31, 2016

Chuck Maravolo, Employer Representative Southeast Florida Employers Association P.O. Box 011693 Miami, FL 33101

Re: International Longshoremen's Association,

Local 1416 (Southeast Florida Employers

Association)

Case 12-CB-183196

Dear Mr. Maravolo:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney JOHN KING whose telephone number is (786) 812-7993. The mailing address is 51 SW 1st Ave Ste. 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786) 812-7987.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently

submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. On all your correspondence regarding the charge, please include the case name and number indicated above.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures, offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARGARET J. DIAZ Regional Director

#### Enclosures

- 1. Copy of Charge
- 2. Commerce Questionnaire

Revised 3/21/2011 NATIONAL LABOR RELATIONS BOARD				
QUESTIONNAIRE ON COMMERCE INFORMATION				
Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.				
CASE NAME CASE NUMBER				
12-CB-183196				
1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)				
2. TYPE OF ENTITY				
[ ] CORPORATION [ ] LLC [ ] LLP [ ] PARTNERSHIP [ ] SOLE PROPRIETORSHIP [ ] OTHER (Specify )				
3. IF A CORPORATION or LLC				
A. STATE OF INCORPORATION  B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES				
OR FORMATION				
4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS				
5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR				
6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).				
7. A. PRINCIPAL LOCATION: B. BRANCH LOCATIONS:				
7. A. TRINCHAL LOCATION. B. BRANCH LOCATIONS.				
A NUMBER OF BEODY E REPORTED AND ONER				
8. NUMBER OF PEOPLE PRESENTLY EMPLOYED				
A. Total:  B. At the address involved in this matter:				
9. DURING THE MOST RECENT (Check appropriate box): [ ] CALENDAR YR [ ] 12 MONTHS or [ ] FISCAL YR (FY dates  YES	NO			
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.				
\$	<u> </u>			
B. If you answered no to 9A, did you <b>provide services</b> valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.				
\$				
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems,				
newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If				
less than \$50,000, indicate amount. \$  D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate				
amount. \$				
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who				
purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.				
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate				
amount. \$				
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points				
outside your State? If less than \$50,000, indicate amount. \$ H. Gross Revenues from all sales or performance of services (Check the largest amount)				
H Caross Revenues from all sales of performance of services ichecking idrogst amounti				
• • • • • • • • • • • • • • • • • • • •				
[] \$100,000 [] \$250,000 [] \$500,000 [] \$1,000,000 or more If less than \$100,000, indicate amount.	T			
[ ] \$100,000 [ ] \$250,000 [ ] \$500,000 [ ] \$1,000,000 or more If less than \$100,000, indicate amount.  I. Did you begin operations within the last 12 months? If yes, specify date:				
[ ] \$100,000 [ ] \$250,000 [ ] \$500,000 [ ] \$1,000,000 or more If less than \$100,000, indicate amount.  I. Did you begin operations within the last 12 months? If yes, specify date:  10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?				
[ ] \$100,000 [ ] \$250,000 [ ] \$500,000 [ ] \$1,000,000 or more If less than \$100,000, indicate amount.  I. Did you begin operations within the last 12 months? If yes, specify date:  10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?  [ ] YES [ ] NO (If yes, name and address of association or group).				
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[] \$100,000 [] \$250,000 [] \$500,000 [] \$1,000,000 or more If less than \$100,000, indicate amount.  I. Did you begin operations within the last 12 months? If yes, specify date:  10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?  [] YES [] NO (If yes, name and address of association or group).  11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS				

PRIVACY ACT STATEMENT

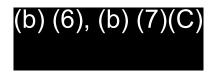
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.





REGION 12 201 E Kennedy Blvd Ste. 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

August 31, 2016



Re: International Longshoremen's Association, Local 1416 (Southeast Florida Employers Association) Case 12-CB-183196

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on August 30, 2016 has been docketed as case number 12-CB-183196. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney JOHN KING whose telephone number is (786) 812-7993. The mailing address is 51 SW 1st Ave Ste. 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786) 812-7987.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

International Longshoremen's Association, Local 1416 (Southeast Florida Employers Association) Case 12-CB-183196

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website <a href="www.nlrb.gov">www.nlrb.gov</a> or from the Regional Office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

<u>TENGA PRESENTE</u>: Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (813)228-2641. El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen inglés puedan entender el procedimiento de sus casos.

(<u>PLEASE NOTE</u>: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (813)228-2641. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.)

Very truly yours,

MARGARET J. DIAZ Regional Director

# UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 12

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL1416, AFL-CIO

CASE: 12-CB-183196

and

(b) (6), (b) (7)(C)	,

#### **NOTICE OF APPEARANCE**

COMES NOW, Neil Flaxman, Esq., and enters his appearance on behalf of

Respondent, INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, LOCAL 1526, AFL-CIO.

Dated this 2<sup>nd</sup> day of September, 2016

Respectfully submitted,

**Neil Flaxman Professional Association** *Attorney for Respondent* 

Brickell City Tower, Suite 3100 80 SW 8<sup>th</sup> Street Miami, Florida 33130

Tel: 305-810-2786 Fax: 305-810-2824

E-mail: flaxy@bellsouth.net

By: s/Neil Flaxman

Neil Flaxman, Esq. Florida Bar No. 025299



REGION 12 201 E. Kennedy Blvd., Ste 530 Tampa, FL 33602-5824

Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874

December 1, 2016

(b) (6), (b) (7)(C)

Re:

International Longshoremen's Association, Local 1416 (Southeast Florida Employers

Association)

Case 12-CB-183196

Dear (b) (6), (b) (7)(C)

We have attempted to investigate your charge alleging that International Longshoremen's Association Local 1416 has violated the National Labor Relations Act.

**Decision to Dismiss:** It does not appear that further proceedings are warranted inasmuch as you have failed to respond to inquiries from this office and have failed to submit any evidence in support of your charge. On October 7, 2016, the Board agent assigned to your case sent you an email with an attached letter informing you of your responsibility to fully cooperate in the investigation of your charge, and provided a deadline of October 20, 2016, to submit your evidence. The letter was sent via email using the contact information you provided to this office. On October 27, 2016, the Board agent called you leaving a voicemail message requesting that you contact him and reminding you of your obligation to submit evidence in this matter. You failed to respond to the message. On November 18, 2016, the Board agent sent you another letter, by email and by regular mail, setting a final deadline of Wednesday, November 23, 2016, for the presentation of your evidence and informing you that your case may be dismissed for lack of cooperation if you failed to reply. The mailed letter was sent using the contact information you provided this office on the charge form. On November 21, the Board agent left another voicemail message, to once again advise you of your obligations to cooperate in the investigation. To date, you have not contacted the Board agent to arrange for the presentation of your evidence and you have failed to submit any evidence in support of your charge.

It is the Charging Party's responsibility to fully cooperate in the investigation of his/her charge (see Unfair Labor Practice Proceedings Casehandling Manual, Section 10054.1). I find that you have had ample time and opportunity to provide evidence in support of your charge, and have failed to do so. As a result of your inaction, I am dismissing your charge for lack of cooperation.

Should you have a renewed interest in this matter you may re-file the charge. However, please note that Section 10(b) of the Act precludes the issuance of complaint with respect to unfair labor practices occurring more than six months prior to the filing and service of the

-2 - December 1, 2016

International Longshoremen's Association, Local 1416 (Southeast Florida Employers Association) Case 12-CB-183196

charge. Further, Section 102.4 of the Board's Rules and Regulation states that it is the charging Party's responsibility to timely and properly serve a copy of the charge on the person against whom such charge is made.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at <a href="https://www.nlrb.gov">www.nlrb.gov</a>. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at <a href="https://www.nlrb.gov">www.nlrb.gov</a>, click on E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on December 15, 2016. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than December 14, 2016. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is received on or before December 15, 2016. The request may be filed electronically through the *E-File Documents* link on our website <a href="www.nlrb.gov">www.nlrb.gov</a>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after December 15, 2016, even if it is postmarked or given to the delivery service before the due date. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to

International Longshoremen's Association, Local 1416 (Southeast Florida Employers Association) Case 12-CB-183196 - 3' - December 1, 2016

keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

MARGARET J. DIAZ
Regional Director

#### Enclosure

cc:

(b) (6), (b) (7)(C)

International Longshoremen's Association Local 1416 816 NW 2nd Ave Miami, FL 33136-3999

Neil Flaxman, Esq. Neil Flaxman, Professional Association Brickell City Tower, Suite 3100 80 SW 8th Street Miami, FL 33130

Chuck Maravolo, Employer Representative Southeast Florida Employers Association P.O. Box 011693 Miami, FL 33101

### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

#### APPEAL FORM

Date:

To: General Counsel

Attn: Office of Appeals	
National Labor Relations Board	
1015 Half Street SE	
Washington, DC 20570-0001	
17d5/iii/gloff, 20 2007 5 0001	
Please be advised that an appeal is hereby taken to the General Counsel National Labor Relations Board from the action of the Regional Director in refus issue a complaint on the charge in	
Case Name(s).	
Case No(s). (If more than one case number, include all case numbers in which app taken.)	eal is

#### FORM EXEMPT UNDER 44 U.S.C. 3512

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

### CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS

	FORK		ГΙ	ONDEK	44 U.S.C. 3312
ka kana (* )	DO NOT	WRITE	IN	THIS SI	PACE
Case			T	Date File	d
12-0	B-183188			8/30/	2016

File an original and 4 copies of this charge and an additional copy for each organization, each local, and each individual named in item 1	with the NLRB
Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.	

Regional Director of the region in which the alleged unfair	labor practice oc	curred or is occurring.	
LABOR ORGANIZATION OR ITS AGENTS AG	AINST WHICH	CHARGE IS BROUGH	
a. Name			b. Union Representative to contact
International Longshoremen's Assoc			(b) (6), (b) (7)(C)
c. Telephone/Fax No. d. Address	(street, city, sta	ate and ZIP code)	· · ·
(b) (6), (b) (7)(C) 816 NW	2 <sup>nd</sup> Avenu	e, Miami,Fl., 3313	
<ul> <li>The above-named organization(s) or its agents meaning of section 8(b), subsection(s) (1)(A) or practices affecting commerce within the meaning</li> </ul>	of the National	Labor Relations Act, and I Labor Relations Act, and I within the meaning of the III are a second as th	and these unfair labor practices are unfair the Postal Reorganization Act.
<ol><li>Basis of the Charge (set forth a clear and concise state</li></ol>	ment of the facts	constituting the alleged un	fair labor practices)
For the past 6 months, the above employees in the exercise of the riallow (b) (6), (b) (7)(C) become a reasons.	ahts quare	anteed in Sectio	n 7 of the Act, by refusing to
3. Name of Employer			4. Telephone No.
Southeast Florida Employers Associa		· · · · · · · · · · · · · · · · · · ·	305/374-2374
5. Location of plant involved (street, city, state and ZIP code)			6. Employer representative to contact
O. Box 011693, Miami, Fl., 33101  Type of establishment (factory, mine, wholesaler, etc.) 8. Identify principal product or service		Chuck Maravolo	
7. Type of establishment (factory, mine, wholesaler, etc. Stevedore	Stevec		9. Number of workers employed Approx. 1,000
10. Full name of party filing charge	1316460	1010	171pprox. 1,000
(b) (6), (b) (7)(C)			
11. Address of party filing charge (street, city, state and (b) (6), (b) (7)(C)	ZIP code)		(b) (6), (b) (7)(C)
		ARATION	a heat of any transplanta and heller
(b) (6) (b) (7)(C)	and that the state		Title
BySignatu of one esentative or person making	charge (b) (	6), (b) (7)(C)	An Individual
Address		Telephone No.	Date
Same as above WILLFUL FALSE STATEMENTS ON THIS CHARGE CA	AN BE PUNISHE	Same as above	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT - Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.





REGION 12 201 E Kennedy Blvd Ste. 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

August 31, 2016



International Longshoremen's Association, Local 1416 816 NW 2nd Ave Miami, FL 33136-3999

Re: International Longshoremen's Association.

Local 1416 (Southeast Florida Employers

Association)

Case 12-CB-183188

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

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<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Case 12-CB-183188

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARGARET J. DIAZ Regional Director

Enclosure: Copy of Charge





REGION 12 201 E Kennedy Blvd Ste. 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

August 31, 2016

Chuck Maravolo, Employer Representative Southeast Florida Employers Association P.O. Box 011693 Miami, FL 33101

Re: International Longshoremen's Association.

Local 1416 (Southeast Florida Employers

Association)

Case 12-CB-183188

Dear Mr. Maravolo:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney JOHN KING whose telephone number is (786) 812-7993. The mailing address is 51 SW 1st Ave Ste. 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786) 812-7987.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently

submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. On all your correspondence regarding the charge, please include the case name and number indicated above.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures, offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARGARET J. DIAZ Regional Director

#### Enclosures

- 1. Copy of Charge
- 2. Commerce Questionnaire

Revised 3/21/2011		AL LABOR RELATIONS				
QL	ESTIONNAIRE (	ON COMMERCE IN	IFORMATION			
Please read carefully, answer all applicable ite	ms, and return to the NL	RB Office. If additional spa	ce is required, please add a page			
CASE NAME				CASE NUMBER 12-CB-183188		
1. EXACT LEGAL TITLE OF ENTITY (	As filed with State on	d/ov stated in local decum	conta forming ontity)	12-CD-103100		
1. EXACT LEGAL TITLE OF ENTITY	As med with State and	u/or stateu in legar docum	tents for ming entity)			
2. TYPE OF ENTITY						
[] CORPORATION [] LLC [] I	LP [ ] PARTNER	RSHIP [ ] SOLE PROP	PRIETORSHIP [ ] OTHER	(Specify)		
3. IF A CORPORATION or LLC A. STATE OF INCORPORATION	D NAME ADDRES	CC AND DELATION CHID	(e.g. parent, subsidiary) OF AL	I DELATED ENTITIES		
OR FORMATION	B. NAME, ADDRES	SS, AND RELATIONSHIP	(e.g. parent, subsidiary) OF AL	L RELATED ENTITIES		
4. IF AN LLC OR ANY TYPE OF PART	INERSHIP, FULL NA	AME AND ADDRESS OF	ALL MEMBERS OR PARTI	NERS		
5. IF A SOLE PROPRIETORSHIP, FUI	L NAME AND ADDI	RESS OF PROPRIETOR				
6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERAT	TIONS (Products handled of	or manufactured, or nature of se	rvices performed).		
7. A. PRINCIPAL LOCATION:		B. BRANCH LOCATIO	ONS:			
8. NUMBER OF PEOPLE PRESENTLY	FMPI OVED					
A. Total:		ss involved in this matter:				
9. DURING THE MOST RECENT (Che			12 MONTHS or [ ] FISCA	L YR (FY dates		<u> </u>
2. Deland the most recent (che	ck appropriate box).	JCALENDAR IR	IZMONIIIS UI []IISCA	L IK (FI unies	YES	NO
A. Did you provide services valued in	excess of \$50,000 di	rectly to customers outsi	de your State? If no, indicat	te actual value.		
\$	.,	1: (450,000		1 1 1 1	+	—
B. If you answered no to 9A, did you p valued in excess of \$50,000 from dir						
\$	rectly outside your s	iate? II no, marcate me	value of any such service	s you provided.		
C. If you answered no to 9A and 9B, did	l you <b>provide servic</b>	es valued in excess of \$5	50,000 to public utilities, tran	nsit systems,	1	
newspapers, health care institutions,		s, commercial buildings	, educational institutions, or	retail concerns? If		
less than \$50,000, indicate amount.			oida arang Chahan Thian than 1	\$50,000 indicate	+	₩
D. Did you sell goods valued in excess amount. \$	of \$50,000 directly t	o customers located out	side your State? If less than s	\$50,000, indicate		
E. If you answered no to 9D, did you se	ell goods valued in e	xcess of \$50,000 directly	y to customers located inside	your State who	+	<del>                                     </del>
purchased other goods valued in exc	ess of \$50,000 from	directly outside your Sta	ite? If less than \$50,000, in	dicate amount.		
<u>\$</u>		C#50.000 C 1' /1	4 1 C4 4 0 TC1 4	1 050,000 11 4	+	—
F. Did you purchase and receive good amount. \$	is valued in excess o	1 \$50,000 from directly	outside your State? If less t	nan \$50,000, indicate		
G. Did you purchase and receive good	ls valued in excess o	f \$50,000 from enterpris	ses who received the goods d	lirectly from points	+	$\vdash$
outside your State? If less than \$5	0,000, indicate amou	ınt. \$				
H. Gross Revenues from all sales or		,	,			
[] \$100,000 [] \$250,000 [] \$5			5100,000, indicate amount.		$\overline{}$	Т
I. Did you begin operations within						
10 ARE YOU A MEMBER OF AN ASSO			THAT ENGAGES IN COLL	ECTIVE BARGAINING	<b>3</b> ?	
[ ] YES [ ] NO (If yes, name and			OVER MOVED COMPANY			
11. REPRESENTATIVE BEST QUALIFICATION NAME	ED TO GIVE FURTE TITLE		BOUT YOUR OPERATIONS IL ADDRESS	TEL. NUN	/BER	
- 1	11122	D-MA.		122.1101		
	DIZED DEPOS					
NAME AND TITLE (Type or Print)	SIGNATURE	ENTATIVE COMP	LETING THIS QUEST: E-MAIL ADDRESS		ATE	
NAME AND TITLE (Type or Frint)	SIGNATURE		E-MAIL ADDRESS	D.	AIE	

PRIVACY ACT STATEMENT

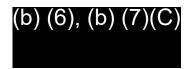
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.





REGION 12 201 E Kennedy Blvd Ste. 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

August 31, 2016



Re: International Longshoremen's Association. Local 1416 (Southeast Florida Employers Association) Case 12-CB-183188

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on August 30, 2016 has been docketed as case number 12-CB-183188. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney JOHN KING whose telephone number is (786) 812-7993. The mailing address is 51 SW 1st Ave Ste. 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786) 812-7987.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

International Longshoremen's Association. Local 1416 (Southeast Florida Employers Association) Case 12-CB-183188

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website <a href="www.nlrb.gov">www.nlrb.gov</a> or from the Regional Office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

<u>TENGA PRESENTE</u>: Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (813)228-2641. El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procedimiento de sus casos.

(<u>PLEASE NOTE</u>: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (813)228-2641. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.)

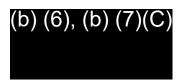
Very truly yours,

MARGARET J. DIAZ Regional Director



REGION 12 201 E. Kennedy Blvd., Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874

December 2, 2016



Re: International Longshoremen's Association. Local 1416 (Southeast Florida Employers Association)

Case 12-CB-183188

Dear (b) (6), (b) (7)(C)

We have attempted to investigate your charge alleging that International Longshoremen's Association Local 1416 has violated the National Labor Relations Act.

**Decision to Dismiss:** It does not appear that further proceedings are warranted inasmuch as you have failed to respond to inquiries from this office and have failed to submit any evidence in support of your charge. On October 7, 2016, the Board agent assigned to your case sent you an email with an attached letter informing you of your responsibility to fully cooperate in the investigation of your charge, and provided a deadline of October 20, 2016, to submit your evidence. The letter was sent via email using the contact information you provided to this office. On October 27, 2016, the Board agent called you leaving a voicemail message requesting that you contact him and reminding you of your obligation to submit evidence in this matter. On November 18, 2016, the Board agent sent you a letter, by email and by regular mail, setting a final deadline of Wednesday, November 23, 2016, for the presentation of your evidence and informing you that your case may be dismissed for lack of cooperation if you failed to reply. The mailed letter was sent using the contact information you provided this office on the charge form. In addition, the Board agent also called you on November 18, 2016 and left you a message. To date, you have not contacted the Board agent to arrange for the presentation of your evidence and you have failed to submit any evidence in support of your charge.

It is the Charging Party's responsibility to fully cooperate in the investigation of his/her charge (see Unfair Labor Practice Proceedings Casehandling Manual, Section 10054.1). I find that you have had ample time and opportunity to provide evidence in support of your charge, and have failed to do so. As a result of your inaction, I am dismissing your charge for lack of cooperation.

Should you have a renewed interest in this matter you may re-file the charge. However, please note that Section 10(b) of the Act precludes the issuance of complaint with respect to unfair labor practices occurring more than six months prior to the filing and service of the charge. Further, Section 102.4 of the Board's Rules and Regulation states that it is the charging

International Longshoremen's Association. Local 1416 (Southeast Florida Employers Association) Case 12-CB-183188

Party's responsibility to timely and properly serve a copy of the charge on the person against whom such charge is made.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at <a href="www.nlrb.gov">www.nlrb.gov</a>. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at <a href="https://www.nlrb.gov">www.nlrb.gov</a>, click on E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on December 16, 2016. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than December 15, 2016. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before December 16, 2016.** The request may be filed electronically through the *E-File Documents* link on our website <a href="www.nlrb.gov">www.nlrb.gov</a>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after December 16, 2016, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required

International Longshoremen's Association. Local 1416 (Southeast Florida Employers Association) Case 12-CB-183188 - 3 - December 2, 2016

by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

Margaret J. Diaz NAF

MARGARET J. DIAZ Regional Director

#### Enclosure

cc:

(b) (6), (b) (7)(C)

International Longshoremen's Association Local 1416 816 NW 2nd Ave Miami, FL 33136-3999

Chuck Maravolo, Employer Representative Southeast Florida Employers Association P.O. Box 011693 Miami, FL 33101

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

#### APPEAL FORM

Date:

To: General Counsel

Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE Washington, DC 20570-0001
Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to ssue a complaint on the charge in
Case Name(s).
Case No(s). (If more than one case number, include all case numbers in which appeal is aken.)
(Signature)

FORM EXEMPT UNDER 44 U.S.C. 3512

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

### CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS

I ONIVI EXCIVIT	1 ONDER 44 0.0.0. 3312			
DO NOT WRITE IN THIS SPACE				
Case	Date Filed			
12-CB-183199	8/30/2016			

ile an original and 4 copies of this charge and an additional copy for each organization, each local, and each individual named in item 1 with the NLRB
togional Director of the region in which the alleged unfair labor practice accurred or in accurring

Regional Director of the region in which the an LABOR ORGANIZATION OR ITS A			·
a. Name	AGENTS AGAINST	WHICH CHARGE IS BROUGHT	b. Union Representative to contact
			(b) (6), (b) (7)(C)
International Longshoreme			(5) (5), (6) (7)(5)
<u> </u>	d. Address (street,	city, state and ZIP code)	
(b) (6), (b) (7)(C)	816 NW 2nd A	venue, Miami, Fl., 33138	5
meaning of section 8(b), subsection practices affecting commerce within	n(s) (1)(A) of the the meaning of the	National Labor Relations Act, an Act and within the meaning of the	
<ol><li>Basis of the Charge (set forth a clear and</li></ol>	concise statement of t	the facts constituting the alleged unfai	r labor practices)
employees in the exercise allow (b) (6), (b) (7)(C) being the constant of the exercise allow (b) (6), (b) (7)(C) allow (c)	of the rights : come a men	guaranteed in Section nber of the Local for	7 of the Act, by refusing to arbitrary and discriminatory
3. Name of Employer Southeast Florida Employer	s Association		4. Telephone No. 305/374-2374
5. Location of plant involved (street, city, s			6. Employer representative to contact
P.O. Box 011693, Miami, Fl.,			Chuck Maravolo
7. Type of establishment (factory, mine, w		Identify principal product or service	9. Number of workers employed
Stevedore	. St	evedore	Approx. 1,000
10. Full name of party filing charge (b) (6), (b) (7)(C)  11. Address of party filing charge (street, c	ity, state and ZIP code	2)	12. Telephone No's. /E-mail
(b) (6), (b) (7)(C)			(b) (6), (b) (7)(C)
I declare that I have read the		2. DECLARATION the statements therein are true to the	best of my knowledge and belief
(b) (6), (b)	(7)(C		An Individual
Signature of representative or pe	rson making charge		
Address		Telephone No.	Date 0 /20 /10
Same as above		Same as above	5/20/16
WILLFUL FALSE STATEMENTS ON THIS	CHARGE CAN BE P	UNISHED BY FINE AND IMPRISON	WENT (U.S. CODE, HILE 18, SECTION 1001)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT - Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.





REGION 12 201 E. Kennedy Blvd., Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

August 31, 2016

(b) (6), (b) (7)(C)

International Longshoremen's Association Local 1416 816 NW 2nd Ave Miami, FL 33136-3999

Re: International Longshoremen's Association,

Local 1416 (Southeast Florida Employers

Association)

Case 12-CB-183199

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney JOHN KING whose telephone number is (786)812-7993. The mailing address is 51 SW 1st Ave., Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARGARET J. DIAZ Regional Director

Margaret J. Was

Enclosure: Copy of Charge





Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

August 31, 2016

Chuck Maravolo, Employer Representative Southeast Florida Employers Association P.O. Box 011693 Miami, FL 33101

201 E. Kennedy Blvd., Ste 530

Tampa, FL 33602-5824

REGION 12

Re: International Longshoremen's Association,

Local 1416 (Southeast Florida Employers

Association)

Case 12-CB-183199

Dear Mr. Maravolo:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney JOHN KING whose telephone number is (786)812-7993. The mailing address is 51 SW 1st Ave Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently

submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. On all your correspondence regarding the charge, please include the case name and number indicated above.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures, offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARGARET J. DIAZ Regional Director

### Enclosures

- 1. Copy of Charge
- 2. Commerce Questionnaire

Revised 3/21/2011 NATIONAL LABOR RELATIONS BOARD								
QUESTIONNAIRE ON COMMERCE INFORMATION								
Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.								
CASE NAME			CASE NUMBER					
1 EVACTICAL TITLE OF ENTITY	(A - E1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	1.1	12-CB-183199		_			
1. EXACT LEGAL TITLE OF ENTITY (	As filed with State and/or stated in lega	1 documents forming entity)						
2. TYPE OF ENTITY								
[] CORPORATION [] LLC [] L	LP [ ] PARTNERSHIP [ ] SOI	E PROPRIETORSHIP [ ] OTHE	ER (Specify)					
3. IF A CORPORATION or LLC								
A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATION	ONSHIP (e.g. parent, subsidiary) OF A	LL RELATED ENTITIES					
4. IF AN LLC OR ANY TYPE OF PART	NERSHIP, FULL NAME AND ADDR	ESS OF ALL MEMBERS OR PAR	TNERS					
5. IF A SOLE PROPRIETORSHIP, FUI	L NAME AND ADDRESS OF PROPR	IETOR						
6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERATIONS (Products )	andled or manufactured, or nature of	services performed).					
7. A. PRINCIPAL LOCATION:	B. BRANCH LO	CATIONS.						
7. A. FRINCIPAL LOCATION:	B. BRANCH LO	CATIONS:						
8. NUMBER OF PEOPLE PRESENTLY								
A. Total:	B. At the address involved in this							
9. DURING THE MOST RECENT (Che	ck appropriate box): [ ] CALENDAR Y	R [] 12 MONTHS or [] FISC.	AL YR (FY dates	YES	NO			
A. Did you provide services valued in	excess of \$50,000 directly to custome	ers outside your State? If no. indic	ate actual value.	IES .	NU			
\$								
B. If you answered no to 9A, did you <b>provide services</b> valued in excess of \$50,000 to customers in your State who purchased goods								
valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.								
-	Lyou provide comiess valued in ever	es of \$50,000 to public utilities to	onsit systems	\$ 0.75 0.00 0.00 0.00 0.00 0.00 0.00 0.00				
C. If you answered no to 9A and 9B, did you <b>provide services</b> valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If								
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PRIVACY ACT STATEMENT

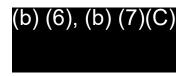
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.





REGION 12 201 E. Kennedy Blvd., Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

August 31, 2016



Re: International Longshoremen's Association,

Local 1416 (Southeast Florida Employers

Association)

Case 12-CB-183199

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on August 30, 2016 has been docketed as case number 12-CB-183199. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney JOHN KING whose telephone number is (786)812-7993. The mailing address is 51 SW 1st Ave., Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

International Longshoremen's Association, Local 1416 (Southeast Florida Employers Association) Case 12-CB-183199

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website <a href="www.nlrb.gov">www.nlrb.gov</a> or from the Regional Office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

TENGA PRESENTE: Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (813)228-2641. El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procedimiento de sus casos.

<u>PLEASE NOTE</u>: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (813)228-2641. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.

Very truly yours,

MARGARET J. DIAZ Regional Director



REGION 12 201 E. Kennedy Blvd., Ste 530 Tampa, FL 33602-5824

Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874

November 17, 2016

(b) (6), (b) (7)(C)

International Longshoremen's Association, Local 1416 816 NW 2nd Ave Miami, FL 33136-3999

Re:

International Longshoremen's Association, Local 1416 (Southeast Florida Employers

Association)

Case 12-CB-183199

Dear (b) (6), (b) (7)(C)

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Margaret J. Diaz MARGARET J. DIAZ

Regional Director

cc: Chuck Maravolo, Employer Representative Southeast Florida Employers Association P.O. Box 011693 Miami, FL 33101

(b) (6), (b) (7)(C)

INTERNET FORM NLRB-501 (2-08)

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE		
Case	Date Filed	
12-CA-200986	6/20/2017	

СТ	ъ.	$r_{i}$	NS.

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which th	ne alleged unfair labor practice occurred or is occur	ring.
	GAINST WHOM CHARGE IS BROUGHT	T-I N-
a. Name of Employer		b. Tel. No. 305-379-3700
Eller-ITO Stevedoring Company, LLC		c. Cell No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	f. Fax No. 305-371-9969
1007 North American Way, #501 Miami, Florida 33132	Christopher Arocha, Senior VP	g. e-Mail
		h. Number of workers employed 100
i. Type of Establishment (factory, mine, wholesaler, etc.) Stevedoring company	j. Identify principal product or service Container handling	
k. The above-named employer has engaged in and is engaging subsections) 8(a)(1),(3)		ection 8(a), subsections (1) and (list abor Relations Act, and these unfair labor
practices are practices affecting commerce within the meanin within the meaning of the Act and the Postal Reorganization	ng of the Act, or these unfair labor practices are	
2. Basis of the Charge (set forth a clear and concise statement	of the facts constituting the alleged unfair labor p	practices)
Since on or around (b)(6),(b)(7)(0) 2017, the above-name	d employer has refused to allow (b) (6).	(b) (7)(C) to perform work on its
behalf at the Port of Miami. The Employer has eng	aged in this conduct because of (b) (6)	, (b) (7)(C) union activities and
protected concerted activities.		
. >		
3. Full name of party filing charge (if labor organization, give full) (b) (6), (b) (7)(C)	Il name, including local name and number)	
4a. Address (Street and number, city, state, and ZIP code)		4b. Tel. No.
(b) (6), (b) (7)(C)		4c. Cell No. (b) (6), (b) (7)(C)
		4d. Fax No.
		4e. e-Mail
5.5.0		(b) (6), (b) (7)(C)
Full name of national or international labor organization of w organization)	rhich it is an affiliate or constituent unit (to be fille	d in when charge is filed by a labor
6. DECLARATION	N s are true to the best of my knowledge and belief.	Tel No. (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	, ,	*Office; if any, Cell, No.
В)	vidual (Print/type name and title or office, if any)	Fax No.
	/	e-Mail
(b) (6), (b) (7)(C)	UNE 20/17	-

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is well that the processes.





REGION 12 201 E. Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

June 21, 2017

Christopher Arocha, Senior VP Eller-ITO Stevedoring Company, LLC 1007 North American Way, Ste 501 Miami, FL 33132-2603

Re: Eller-ITO Stevedoring Company, LLC

Case 12-CA-200986

Dear Mr. Arocha:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Cristina M. Cora whose telephone number is (305)536-5391. The mailing address is 51 SW 1st Ave, Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

David Cohen

DAVID COHEN

#### Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

	NATIONAL LABOR RELAT	Revised 3/21/2011 NATIONAL LABOR RELATIONS BOARD			
QUESTIONNAIRE ON COMMERCE INFORMATION					
Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.					
CASE NAME			SE NUMBER		
1 PVACTICAL TITLE OF ENTITY	4 51 1 12 64 4 14 4 4 11 1 1 1		2-CA-200986		
1. EXACT LEGAL TITLE OF ENTITY (	As filed with State and/or stated in legal o	documents forming entity)			
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] L	LP [ ] PARTNERSHIP [ ] SOLE	PROPRIETORSHIP [ ] OTHER (S <sub>F</sub>	pecify)		
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OR FORMATION	B. NAME, ADDRESS, AND RELATION	North (e.g. patent, substituting) OF ALL K	ELATED ENTITIES		
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5. IF A SOLE PROPRIETORSHIP, FUL	L NAME AND ADDRESS OF PROPRIE	ETOR			
	OF VOLUME OF THE OWN OF THE OWN				
6. BRIEFLY DESCRIBE THE NATURE	OF YOUR OPERATIONS (Products have	ndled or manufactured, or nature of service	es performed).		
7. A. PRINCIPAL LOCATION:	B. BRANCH LOC	CATIONS:			
8. NUMBER OF PEOPLE PRESENTLY	EMPLOYED				
A. Total:	B. At the address involved in this ma				
9. DURING THE MOST RECENT (Chec	ck appropriate box): [ ] CALENDAR YR	[ ] 12 MONTHS or [ ] FISCAL Y	R (FY dates	*****	)
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PRIVACY ACT STATEMENT

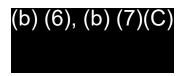
Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.





REGION 12 201 E. Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874 Download NLRB Mobile App

June 21, 2017



Re: Eller-ITO Stevedoring Company, LLC

Case 12-CA-200986

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on June 20, 2017 has been docketed as case number 12-CA-200986. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Cristina M. Cora whose telephone number is (305)536-5391. The mailing address is 51 SW 1st Ave, Ste 1320, Miami, FL 33130-1623. If this Board agent is not available, you may contact Resident Officer SHELLEY B. PLASS whose telephone number is (786)812-7987.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Procedures:</u> We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website <u>www.nlrb.gov</u>. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website <a href="www.nlrb.gov">www.nlrb.gov</a> or from the Regional Office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

TENGA PRESENTE: Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (813)228-2641. El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procedimiento de sus casos.

<u>PLEASE NOTE</u>: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (813)228-2641. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.

Very truly yours,

David Cohen

DAVID COHEN

Eller-ITO Stevedoring Company, LLC.

#### NATIONAL LABOR RELATIONS BOARD

#### NOTICE OF APPEARANCE

and	CASE 12-CA-200986			
(b) (6), (b) (7)(C)	5.152 12 5/1 255555			
REGIONAL DIRECTOR  EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570			
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATE	IVE OF			
IN THE ABOVE-CAPTIONED MATTER.  Eller-ITO Stevedoring Company, LLC. and Patrick Stewart  CHECK THE APPROPRIATE BOX(ES) BELOW:  REPRESENTATIVE IS AN ATTORNEY				
IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY V DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENT CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN			
(REPRESENTATIVE INFORM	MATION)			
NAME: Robert W. Blanck, Esq.				
MAILING ADDRESS: 5730 SW 74th Street, Suite 700, Miami, FL 33143				
E-MAIL ADDRESS: rblanck@shiplawusa.com				
OFFICE TELEPHONE NUMBER: 305-663-0177				
SIGNATURE:  (Please sign in ink.)  (Please sign in ink.)	_FAX: 305-663-0146			

<sup>&</sup>lt;sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

#### NATIONAL LABOR RELATIONS BOARD

#### NOTICE OF APPEARANCE

ELLER-ITO STEVEDORING COMPANY, LLC.	
and	CASE 12-CA-200986
(b) (6), (b) (7)(C)	CASE 12-0A-200300
REGIONAL DIRECTOR  EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT ELLER-ITO STEVEDORING COMPANY, LLC.	IVE OF
-	
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW:  REPRESENTATIVE IS AN ATTORNEY.  IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY OF DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS WILL RECEIVE ONLY COPIES OF CERTAIN
(REPRESENTATIVE INFOR	MATION)
NAME: Jonathan Hernandez	
MAILING ADDRESS: 5730 SW 74th Street, Suite 700, Miami, FL	33143
E-MAIL ADDRESS: jhernandez@shiplawusa.com	
OFFICE TELEPHONE NUMBER: 305-663-0177	
CELL PHONE NUMBER: 786-351-0721	<sub>FAX:</sub> 305-663-0146
SIGNATURE:	
DATE: (Please sign in ink.)	

<sup>&</sup>lt;sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

# NATIONAL LABOR RELATIONS BOARD NOTICE OF APPEARANCE

### (b) (6), (b) (7)(C) and CASE 12-CA-200986 Eller-ITO Stevendoring Company, LLC REGIONAL DIRECTOR EXECUTIVE SECRETARY GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD NATIONAL LABOR RELATIONS BOARD Washington, DC 20570 Washington, DC 20570 THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF Eller-ITO Stevendoring Company, LLC IN THE ABOVE-CAPTIONED MATTER. CHECK THE APPROPRIATE BOX(ES) BELOW: REPRESENTATIVE IS AN ATTORNEY IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL. (REPRESENTATIVE INFORMATION) NAME: Brian Koji MAILING ADDRESS: Allen Norton & Blue, P.A., 324 South Hyde Park Avenue, Suite 225 Tampa FL 33606 E-MAIL ADDRESS: bkoji@anblaw.com OFFICE TELEPHONE NUMBER: 813-251-1210 FAX: 813-253-2006 CELL PHONE NUMBER: \_ /s/ Brian Koji SIGNATURE: (Please sign in ink.) 8/23/2017 DATE:

<sup>&</sup>lt;sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

#### NATIONAL LABOR RELATIONS BOARD

#### NOTICE OF APPEARANCE

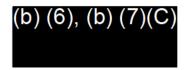
and Eller-I.T.O. Stevedoring Company, L.L.C.	CASE 12-CA-200986		
REGIONAL DIRECTOR  EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL  NATIONAL LABOR RELATIONS BOARD  Washington, DC 20570		
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT. Eller-I.T.O. Stevedoring Company, L.L.C.	IVE OF		
IN THE ABOVE-CAPTIONED MATTER.			
CHECK THE APPROPRIATE BOX(ES) BELOW:  REPRESENTATIVE IS AN ATTORNEY  IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY VER DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENT CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN		
(REPRESENTATIVE INFOR	MATION)		
Timothy J. Armstrong			
MAILING ADDRESS: 108 Cannon Ct. W.			
E-MAIL ADDRESS: tarmstrong@tjarmstronglaw.com			
OFFICE TELEPHONE NUMBER: 305-479-7915			
CELL PHONE NUMBER: 305-479-7915	FAX:		
SIGNATURE: All Amarica  DATE: 7 - 1 - 2007 in Jak.)			
/ / /			

 $<sup>^1</sup>$  IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



REGION 12 201 E. Kennedy Blvd, Ste 530 Tampa, FL 33602-5824 Agency Website: www.nlrb.gov Telephone: (813)228-2641 Fax: (813)228-2874

October 30, 2017



Re:

Eller-ITO Stevedoring Company, LLC

Case 12-CA-200986

### Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charges that Eller-ITO Stevedoring Company, LLC and International Longshoremen's Association, Local 1416 have violated the National Labor Relations Act.

**Decision to Dismiss:** Based on that investigation, I have decided to dismiss your charges because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlrb.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at <a href="www.nlrb.gov">www.nlrb.gov</a>. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on November 13, 2017. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 12, 2017. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal

must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is received on or before November 13, 2017. The request may be filed electronically through the *E-File Documents* link on our website <a href="www.nlrb.gov">www.nlrb.gov</a>, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 13, 2017, even if it is postmarked or given to the delivery service before the due date. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

DAVID COHEN Regional Director

David Coheniez

#### Enclosure

cc: Christopher Arocha, Senior VP
Eller-ITO Stevedoring Company, LLC
1007 North American Way, Ste 501
Miami, FL 33132-2603

Robert Blanck, Esq. Blanck Cooper Hernandez, P.A. 5730 SW 74th St, Suite 700 Miami, FL 33143

Jonathan Hernández, Esq. Blanck Cooper, P.A. 5730 SW 74th St, Ste 700 South Miami, FL 33143-5320 Timothy Armstrong, Esq. Law Office of Timothy J. Armstrong 108 Cannon Ct W Ponte Vedra Beach, FL 32082-3953

Brian Koji, Esq. Allen Norton & Blue, P.A. 324 S. Hyde Park Avenue, Suite 225 Tampa, FL 33606-4127

Susan Potter Norton, Esq. Allen, Norton & Blue, P.A. 121 Majorca Ave, Ste 300 Coral Gables, FL 33134-4508

### (b) (6), (b) (7)(C)

International Longshoremen's Association, Local 1416 816 NW 2nd Ave Miami, FL 33136-3999

Neil Flaxman, Esq. Neil Flaxman, Professional Association Brickell City Tower 80 SW 8th St, Ste 3100 Miami, FL 33130-3004

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

### APPEAL FORM

Date:

To: General Counsel

Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE Washington, DC 20570-0001	
Please be advised that an appeal is hereby taken to the General National Labor Relations Board from the action of the Regional Directo issue a complaint on the charge in	
Case Name(s).	
Case No(s). (If more than one case number, include all case numbers in v taken.)	which appeal is
(Signa	ture)